

# **RICHLAND TOWNSHIP**

## **ZONING CODE**

**RECOMMENDED TO THE TRUSTEES BY  
THE ZONING COMMISSION ON JANUARY  
18, 1982**

**ADOPTED BY RICHLAND TOWNSHIP TRUSTEES  
MARCH 1, 1982**

**AMENDED NOVEMBER 2,  
1992**

**AMENDED DECEMBER 11,  
1995**

**AMENDED JANUARY 3, 1998**

**AMENDED SEPTEMBER 5,  
2007**

**AMENDED APRIL 3,  
2013**

**AMENDED  
October 25, 2016**

**AMENDED  
December 3, 2018**

**AMENDED  
May 19, 2023**

## **RICHLAND TOWNSHIP ZONING RESOLUTION**

Whereas, the Board of Trustees of Richland Township deems it in the interest of the public health, safety, morals and general welfare of said township and its residents to establish a general plan of zoning for said township.

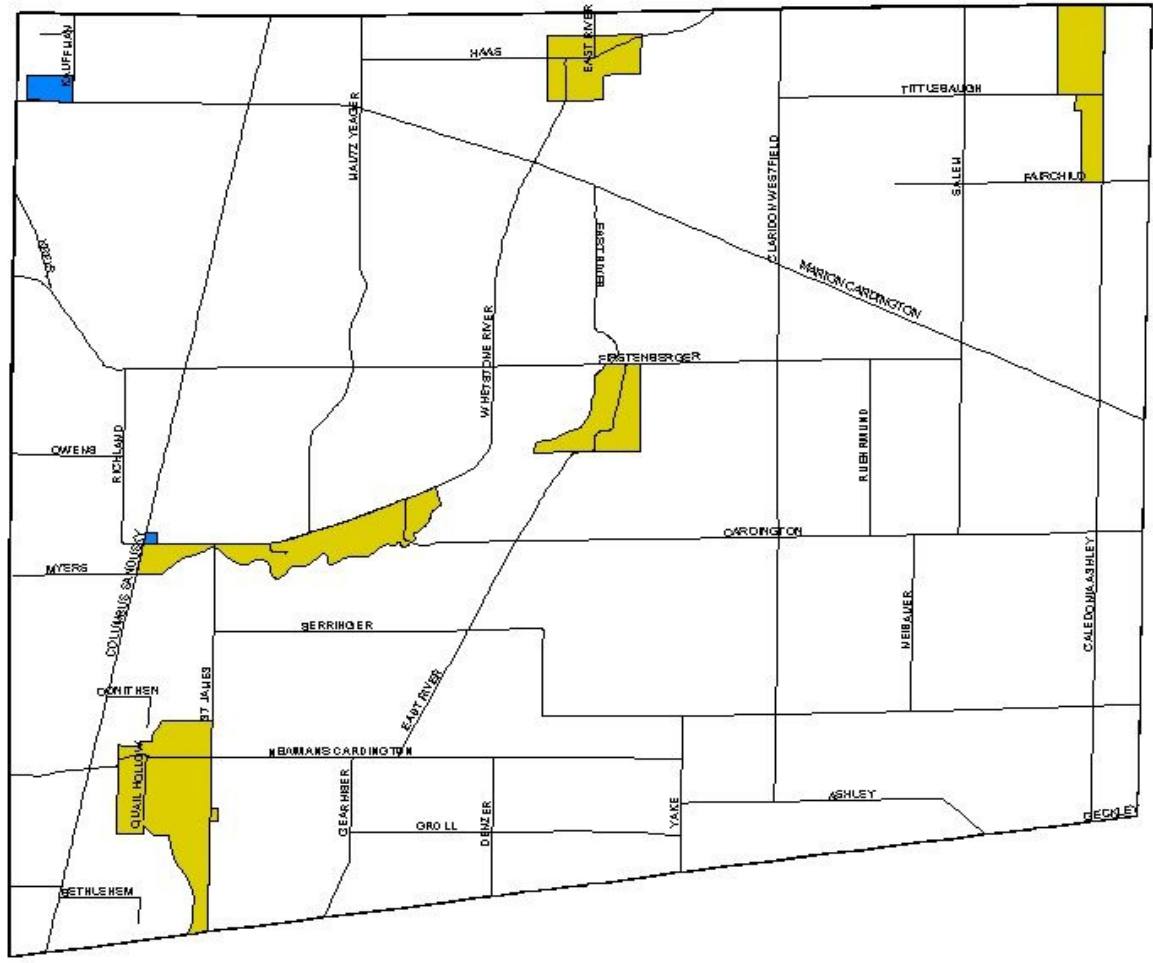
Now, therefore, be it Resolved by the Board of Trustees of Richland Township that such zoning resolution is hereby created

## TABLE OF CONTENTS

SECTION I	JURISDICTION, PURPOSE, INTERPRETATION.....	1
1.01	JURISDICTION.....	1
1.02	PURPOSE.....	1
1.03	INTERPRETATION.....	1
1.04	AGRICULTURAL EXEMPTION.....	1
SECTION II	OFFICIAL ZONING MAP AND ZONING DISTRICTS.....	2
2.01	OFFICIAL ZONING MAP.....	2
2.02	OFFICIAL ZONING MAP AS PART OF THIS RESOLUTION.....	2
2.03	DETERMINATION OF DISTRICT BOUNDARIES.....	2
2.04	ZONING DISTRICT CLASSIFICATION.....	2
2.05	DEGREE OF RESTRICTIVENESS.....	2
SECTION III	“FP” FLOOD PLAIN DISTRICT.....	3
3.01	PURPOSE.....	3
3.02	FLOOD PLAIN DISTRICT OVERLAY.....	3
3.03	USE REGULATIONS.....	3
3.04	DEVELOPMENT STANDARDS.....	3
3.05	ESTABLISHMENT OF FLOOD PLAIN ZONE BOUNDARY.....	3
3.06	DISCLAIMER OF RESPONSIBILITY.....	3
SECTION IV	"R-R" RURAL - RESIDENTIAL DISTRICT.....	4
4.01	PURPOSE.....	4
4.02	USE REGULATIONS.....	4
4.03	AREA AND DIMENSIONAL STANDARDS*.....	5
4.04	NUMBER OF LOTS.....	5
4.05	MINERAL, SAND AND GRAVEL EXTRACTION.....	5
SECTION V	"R" RESIDENTIAL DISTRICT.....	6
5.01	PURPOSE.....	6
5.02	USE REGULATIONS.....	6
5.03	AREA & DIMENSION STANDARDS*.....	7
SECTION VI	"R-B" RURAL - BUSINESS DISTRICT.....	8
6.01	PURPOSE.....	8
6.02	USE REGULATIONS.....	8
6.03	AREA AND DIMENSIONAL STANDARDS*.....	9
SECTION VII	"B-I" BUSINESS - INDUSTRIAL DISTRICT.....	10
7.01	PURPOSE.....	10
7.02	USE REGULATIONS.....	10
7.03	AREA AND DIMENSION STANDARDS.....	11
SECTION VIII	SUPPLEMENTARY DISTRICT REGULATIONS.....	12
8.01	HOME OCCUPATIONS.....	12
8.02	ROADSIDE STANDS ON FARMS.....	12
8.03	TEMPORARY LIVING SPACE.....	12
8.04	SIGNS.....	12
8.05	FRONTAGE REQUIREMENTS FOR DEEP LOTS WITHIN THE RURAL RESIDENTIAL DISTRICT.....	14
8.06	ACCESSORY STRUCTURES.....	14
8.07	CORNER LOTS.....	14

8.08	MINIMUM RESIDENTIAL DWELLING UNIT REQUIREMENTS .....	14
8.09	SANITARY LANDFILLS, JUNK YARDS, CHEMICAL MANUFACTURING PLANTS, AND SIMILAR USES .....	15
8.10	UNLICENCED AND INOPERABLE VEHICLES .....	15
8.11	TELECOMMUNICATION OR CELLULAR COMMUNICATION TOWER REQUIREMENTS .....	15
8.12	MOTORIZED DIRT BIKES / ALL TERRAIN VEHICLE TRACKS AS ACCESSORY USES .....	16
8.13	DRIVEWAY CULVERTS ON RICHLAND TOWNSHIP ROADS.....	16
8.14	ROAD DITCH ENCLOSURE ON RICHLAND TOWNSHIP ROADS .....	16
SECTION IX NON-CONFORMING USES AND STRUCTURES .....		18
9.01	INTENT .....	18
9.02	NON-CONFORMING LOTS .....	18
9.03	NON-CONFORMING USES OF LAND .....	18
9.04	NON-CONFORMING STRUCTURES .....	18
9.05	ECONOMICALLY SIGNIFICANT WIND FARMS, LARGER WINDFARMS & LARGE SOLAR .....	19
9.06	COMMERCIAL SOLAR FARMS .....	19
9.07	COMMERCIAL WIND FARMS .....	19
9.08	ACCESSORY SOLAR ENERGY FACILITIES .....	19
9.09	ONSITE WIND ENERGY ACCESSORY FACILITIES .....	21
9.10	SOLAR AND WIND FARMS.....	22
SECTION X ZONING INSPECTOR AND ZONING PERMITS .....		24
SECTION XI BOARD OF ZONING APPEALS.....		26
11.01	ESTABLISHMENT AND ORGANIZATION .....	26
11.02	POWERS OF THE BOARD .....	26
11.03	PROCEDURES .....	27
SECTION XII ZONING COMMISSION.....		28
12.01	ORGANIZATION .....	28
12.02	GENERAL PROCEDURES .....	28
12.03	POWER AND DUTIES .....	28
SECTION XIII AMENDMENTS.....		29
SECTION XIV ENFORCEMENT .....		30
SECTION XV EFFECT OF INVALIDITY OF ONE SECTION .....		31
SECTION XVI EFFECTIVE DATE.....		32
SECTION XVII DEFINITIONS.....		28
17.01	INTENT .....	28

# Richland Township Generalized Zoning Map



**Legend**

- Roads
- Zoning
- FP, Flood Plain District (See FIRM Maps)
- R-R, Rural Residential District
- R, Residential District
- R-B, Rural Business District
- B-I, Business-Industrial District
- Richland Township Boundary



0 2000 4000 Feet

## **SECTION I**

### **JURISDICTION, PURPOSE, INTERPRETATION**

#### **1.01 JURISDICTION**

The provisions of this Resolution shall apply to the unincorporated territory of Richland Township in which a majority vote is recorded at the next election or at any subsequent election.

#### **1.02 PURPOSE**

This zoning resolution is adopted to promote the public health, safety, morals, comfort and general welfare; to protect and conserve property and property values, to secure the most appropriate uses of land; and to promote the adequate but economical provision of public improvements, all in accordance with the comprehensive plan. More specific purposes are:

1. To aid in preserving agricultural land in Richland Township.
2. To provide adequate light, air, privacy and convenience of access to property.
3. To lessen or avoid congestion on the streets and highways of Richland Township.
4. To aid in limiting future flood damages.

#### **1.03 INTERPRETATION**

##### **1.031 Minimum Requirements and Conflict**

1. The provisions of this resolution shall be construed as minimum requirements. They do not prevent other more restrictive requirements if approved by the Electors (eligible votes) of the Township at any general, primary or special elections.
2. Where this Resolution imposes greater restrictions upon the use of land or buildings or upon the bulk of buildings and where it requires higher standards than are required by other laws (ordinances, rules, or regulations) this Resolution shall prevail, and where other laws, (ordinances, rules or regulations) are more restrictive, they shall prevail.

#### **1.04 AGRICULTURAL EXEMPTION**

Land in any district may be used for agricultural purposes. Buildings incident to agricultural purposes are not subject to the provisions of this resolution and do not require a zoning permit. However, a dwelling occupied by persons engaged in agricultural operations is not defined as being incident to agricultural purposes and is therefore subject to the provisions of this resolution.

## **SECTION II**

### **OFFICIAL ZONING MAP AND ZONING DISTRICTS**

#### **2.01 OFFICIAL ZONING MAP**

The Township of Richland is hereby divided into Districts which are shown on a map entitled "Official Zoning District Map of Richland Township." This Official Zoning Map shall be identified by the signatures of the Richland Township Trustees and Richland Township Clerk. The Official Zoning District Map shall remain on file in the office of the Richland Township Trustees.

#### **2.02 OFFICIAL ZONING MAP AS PART OF THIS RESOLUTION**

The official Zoning Map and all notations, references and other matters thereon are hereby made a part of this Code.

#### **2.03 DETERMINATION OF DISTRICT BOUNDARIES**

Except where referenced and noted on the Official Zoning District Map by a clearly designated line and/or written dimensions, the district boundary lines are intended to follow property lines, lot lines or the center lines of streets, alleys or streams as they existed at the time of adoption of this Code. The Zoning Inspector shall interpret the location of boundary lines as shown on the Zoning District Map. When the Zoning Inspector's interpretation is questioned, the boundary lines shall be determined by the Board of Zoning Appeals as prescribed in Section XI.

#### **2.04 ZONING DISTRICT CLASSIFICATION**

All parts of the unincorporated township shall be designated on the Official Zoning District Map as being located in one of the following zoning districts:

- "FP" Flood Plain District
- "R-R" Rural - Residential District
- "R-B" Rural - Business District
- "R" Residential District
- "B-I" Business - Industrial District

#### **2.05 DEGREE OF RESTRICTIVENESS**

Whenever, in this Code, the order of districts as to the degree of restrictiveness is referred to, the order shall be as listed above, with the "FP" District being the most restricted and the "B-I" District being the least restricted.

## **SECTION III**

### **“FP” FLOOD PLAIN DISTRICT**

#### **3.01 PURPOSE**

The purpose of the Flood Plain District is to regulate development on Flood Prone land in order to reduce potential loss of life, and damages to property.

#### **3.02 FLOOD PLAIN DISTRICT OVERLAY**

The Flood Plain District shall be an over-lapping zone with regulations in addition to any other underlying Zoning District as established in Section II.

#### **3.03 USE REGULATIONS**

Any uses permitted in the underlying Zoning District shall be allowed with the exception of the storage of potentially hazardous materials (which if subject to flooding, may become flammable) explosive, or otherwise injurious to human, animal, or plant life.

#### **3.04 DEVELOPMENT STANDARDS**

All structures within the Flood Plain District shall meet the existing County Flood Plain Development Standards as enforced by Marion County.

#### **3.05 ESTABLISHMENT OF FLOOD PLAIN ZONE BOUNDARY**

The boundaries of the Flood Plain District shall be based on the Flood Insurance Rate Map provided from the Federal Emergency Management Agency pursuant to the National Flood Insurance Program. Should this map be revised, the Flood Plain District boundaries shall likewise be revised.

#### **3.06 DISCLAIMER OF RESPONSIBILITY**

This Code does not imply that areas outside the Flood Plain District or land uses permitted with such district will be free from flooding or flood damages. This Code shall thus not create liability on the part of Richland Township or officer or employee thereof for any flood damages that result from reliance on this Code.



## SECTION IV

### "R-R" RURAL - RESIDENTIAL DISTRICT

#### 4.01 PURPOSE

The purpose of the "R- R" Rural - Residential District is to preserve land currently used for agricultural purposes.

#### 4.02 USE REGULATIONS

##### 1. Principal Permitted Uses

- Agricultural
- Storage and/or Sale of Fertilizer and Agri-chemicals
- Public Uses
- Semi-Public Uses
- Single-Family Dwellings (See Section 8.08)
- Temporary Living Spaces (See Section 8.03)
- Petroleum and Gas Drilling and Extraction
- Nurseries, Lawn and Garden Centers
- Advertising Signs (See Section 8.045)
- Veterinary Clinics or Hospital
- Mineral, Sand and Gravel Extraction (See Section 4.05)
- Seasonal Dwellings (See Chapter XVII Definition of Dwelling, Seasonal)
- Private Cemeteries
- Top Soil Removal
- Nursery Schools and Day Nurseries
- Sanitariums, Convalescent Homes, and Rest Homes
- Rooming or Boarding
- Recreation Facilities, Private

##### 2. Conditional Permitted Uses (Subject to approval by the Board of Zoning Appeals)

- Airports
- Recreational Facilities, Limited Commercial

##### 3. Accessory Permitted Uses and Structures

- Private Garages
- Private Swimming Pools
- Garden Houses, Tool Houses, Playhouses
- Living Quarters of Persons Employed on the Premises
- Home Occupations (See Section 8.01)
- Required Off-street Parking Space
- Roadside Stands on Farms (See Section 8.02) Accessory Signs (See Section 8.043)

4.03 AREA AND DIMENSIONAL STANDARDS\*

	<u>Minimum Lot Size</u>		<u>Minimum Yard Dimension</u>			<u>Maximum Coverage of Lot (Percent)</u>
	<b>Width (Ft.)</b>	<b>Area** (Sq. Ft.)</b>	<b>Front***</b>	<b>Side</b>	<b>Rear</b>	
Dwellings	100	1 Acre	90	20	50	-
All other uses	Sufficient to comply with yard, parking, and lot coverage requirement		90	25	50	20%

No structure or building shall exceed 60 feet in height. The height limitation may be appealed to the Richland Township Board of Zoning Appeals. Telecommunication or cellular communication towers exceeding 60 feet in height shall be subject to the requirements of Section 8.11.

\* See Section 9.02 for non-conforming lots

\*\* The lot area shall be computed to include the right-of-way

\*\*\* The front setback shall be measured from the center of the right-of-way

NOTE: See Section 8.06 for Dimension Standards for Accessory Uses.

4.04 NUMBER OF LOTS

PURPOSE: Recognizing the growing concerns relating to farmland preservation and the need to control premature development, the following restrictions shall apply within the "R-R" Rural Residential District.

1. Any parcel or lot of record on the effective date of this resolution may be subdivided, if also in accordance with the Marion County Subdivision Regulations, to provide only up to five (5) residential lots.
2. A residential lot is defined as any lot under ten (10) acres with a home either in use, planned, or potential use.

4.05 MINERAL, SAND AND GRAVEL EXTRACTION

The mining of rocks, minerals, sand, and gravel shall be permitted in accordance with the district regulations and provided the following conditions are met:

1. Such operations are at least two thousand (2000) feet from a residential district.
2. Such operations are at least one thousand (1000) feet from an existing residence (excluding the residence of the owner or operator).

## SECTION V

### "R" RESIDENTIAL DISTRICT

#### 5.01 PURPOSE

The purpose of the Residential District is to encourage residential development at appropriate locations and at suitable densities for the provision or potential provision of public services and facilities.

#### 5.02 USE REGULATIONS

##### 1. Principal Permitted Uses

Agriculture  
Single-Family Dwellings (See Section 8.08)  
Two-Family Dwellings (See Section 8.08)  
Three-Family Dwellings (See Section 8.08)  
Multi-Family Dwellings (See Section 8.08)  
Public Uses  
Semi-Public Uses  
Temporary Living Spaces (See Section 8.03)

##### 2. Conditional Uses (Subject to approval by the Board of Zoning Appeals)

Mobile Home Parks  
Nursery Schools and Day Nurseries  
Sanitariums, Convalescent Homes, Rest Homes  
Rooming, Boarding, or Lodging Houses  
Private Clubs, Lodges, Fraternity or Sorority Houses  
Recreation Facilities, Private  
Funeral Homes or Mortuary  
Business, Professional and Industrial Offices in Buildings having the external appearance of residential structures, not including the manufacture, sale, or storage of goods.

##### 3. Accessory Permitted Uses and Structures

Private Garages  
Swimming Pools, Garden Houses, Tool Houses, Play Houses Home  
Occupations (See Section 8.01)  
Accessory Signs (See Section 8.043)  
Living Quarters for Persons Employed on the Premises  
Roadside Stands on Farms. (See Section 8.02)

5.03 AREA & DIMENSION STANDARDS\*

	<u>Minimum Lot Size</u>		<u>Minimum Yard Dimension</u>			<u>Maximum Coverage of Lot (Percent)</u>
	<u>Width (Ft.)</u>	<u>Area** (Sq. Ft.)</u>	<u>Front***</u>	<u>Side</u>	<u>Rear</u>	
<u>Single-Family Dwellings</u>						
Without Public Sewer or Water	100	25,000	90	10	5	-
With Public Sewer or Water	80	18,400	90	10	5	-
With Both Public Sewer & Water	70	18,000	90	10	5	-
<u>Two-Family Dwellings</u>						
Public Sewer & Water Required	70	18000	90	10	5	-
<u>Multi-Family Dwellings</u>						
Public Sewer & Water Required	100	7,000 (Per Unit)	90	10	5	-
<u>All Other Uses</u>	Sufficient to comply with yard, parking, and lot coverage requirements		80	20	5	20%

No structure or building shall exceed 60 feet in height. The height limitation may be appealed to the Richland Township Board of Zoning Appeals. Telecommunication or cellular communication towers exceeding 60 feet in height shall be subject to the requirements of Section 8.11.

\* See Section 9.02 for non-conforming lots

\*\* The lot area shall be computed to include the right-of-way

\*\*\* The front setback shall be measured from the center of the right-of-way

NOTE: See Section 8.06 for Dimension Standards for Accessory Uses.

## SECTION VI

### "R-B" RURAL - BUSINESS DISTRICT

#### 6.01 PURPOSE

To designate areas in Richland Township where less intensive commercial, office and related land uses may be developed in a complimentary manner with surrounding agricultural land and residential development.

#### 6.02 USE REGULATIONS

##### 1. Principal Permitted Uses

- Agricultural
- Single-Family Dwellings (See Section 8.08)
- Storage and/or Sale of Fertilizer and Agri-chemicals
- Public Uses
- Semi-Public Uses
- Nurseries, Lawn and Garden Centers
- Veterinary Clinics or Hospital
- Professional, business, or industrial offices
- Manufacturing of household, business, or industrial products if not elsewhere prohibited or regulated

##### 2. Conditional Permitted Uses (Subject to approval by the Board of Zoning Appeals)

- Airports
- Advertising Signs (See Section 8.045)
- Recreation Facilities, Private
- Service establishments such as barber shops, photography studios, dry cleaning, etc.
- Lodging, including Motels
- Recreational Facilities, Limited Commercial
- Recreational Facilities, General Commercial
- Retail business whose principal activity is the sale of new or used merchandise if not elsewhere prohibited.
- Workshop types of services such as electrical repair, locksmiths, or repair of other goods permitted to be sold within the district
- Gasoline service stations
- Blending, packaging and storage of previously manufactured products, such as chemical products, feed, grain, and industrial compounds
- Storage and warehousing in enclosed buildings, however, that such buildings shall be limited to one story in height which one story shall not exceed sixteen (16) feet in height from floor to ceiling and provided that the use of any building or buildings in this use district for the purposes herein set forth shall be conditioned upon and subject to the approval of the Board of Zoning Appeals before such use shall commence. Such buildings and outside storage (limited to recreation vehicles and water craft) are subject to approval by the Board of Zoning Appeals.

When reviewing a request to allow outside storage of recreation vehicles and water craft at mini-warehouse locations the Board shall consider the surrounding land uses and how they will be impacted by outside storage of recreational vehicles or water craft. The Board shall also specify the exact location (width and depth) of outside storage of recreational vehicles or water craft on each mini-warehouse site and may consider screening. The Board may set a time limit for the permit for outside storage which is subject to renewal and may set terms and conditions the Board feels are appropriate.

3. Accessory Permitted Uses and Structures
  1. Accessory Signs (See Section 8.043)
  2. Off-street parking and loading
  3. Any use customarily incidental to an allowed use.
  4. Home Occupations (See Section 8.01)

6.03 AREA AND DIMENSIONAL STANDARDS\*

	<u>Minimum Lot Size</u>		<u>Minimum Yard Dimension</u>			<u>Maximum Coverage of Lot (Percent)</u>
	<b>Width (Ft.)</b>	<b>Area** (Sq. Ft.)</b>	<b>Front***</b>	<b>Side</b>	<b>Rear</b>	
Dwellings	100	1 Acre	90	20	50	-
All other uses	Sufficient to comply with yard, parking, and lot coverage requirement		90	25	50	20%

No structure or building shall exceed 60 feet in height. The height limitation may be appealed to the Richland Township Board of Zoning Appeals. Telecommunication or cellular communication towers exceeding 60 feet in height shall be subject to the requirements of Section 8.11.

- \* See Section 9.02 for non-conforming lots
- \*\* The lot area shall be computed to include the right-of-way
- \*\*\* The front setback shall be measured from the center of the right-of-way

NOTE: See Section 8.06 for Dimension Standards for Accessory Uses.

## SECTION VII

### "B-I" BUSINESS - INDUSTRIAL DISTRICT

#### 7.01 PURPOSE

The purpose of the "B-I" Business-Industrial District is to provide for various types of commercial and industrial development at appropriate locations.

#### 7.02 USE REGULATIONS

##### 1. Principal Permitted Uses

Agriculture

Public Uses

Semi-public Uses

Lodging, including Motels

Retail business whose principal activity is the sale of new or used merchandise if not elsewhere prohibited.

Service establishments such as barber shops, photography studios, dry cleaning, etc.

Recreational facilities, general commercial

Workshop types of services such as electrical repair, locksmiths, or repair of other goods permitted to be sold within the district

Professional, business or industrial offices

Gasoline service stations

Blending, packaging and storage of previously manufactured products, such as chemical products, feed, grain, and industrial compounds

Manufacturing of household, business or industrial products if not elsewhere prohibited or regulated

Non-manufacturing activities such as transportation terminals, warehousing, research testing laboratories, fuel dealers, etc.

Advertising signs (See Section 8.045)

##### 2. Conditional Permitted Uses (Subject to approval by the Board of Zoning Appeals)

Commercial or Industrial uses determined by the Board of Zoning Appeals to be of the same general character as the above principally permitted uses

The fabrication of structural steel, heavy machinery and transportation equipment Punch presses and stamping operations

The processing or manufacturing of food products

Sawmills, mixing of cement, bituminous or asphaltic concrete topsoil removal

The following uses, which shall not be located within one thousand (1,000) feet of any existing residence or residential district:

1. Chemical and/or fertilizer manufacturing plant.
2. Distilling of bones, fat, or glue, or gelatin manufacturing
3. Dumping, storing, burying, reducing, disposing of or burning garbage, refuse, scrap metal, rubbish, offal or dead animals
4. Refining or processing crude petroleum

5. Sanitary landfills
6. Bulk storage of flammable liquids
7. Manufacturing explosives, ammunition, fireworks, matches
8. Refining or processing crude petroleum
9. Airports
10. Junk or salvage yards if surrounded by screened fence six (6) feet high

3. Adult only entertainment:

No building shall be erected, constructed, or developed and no buildings or premises shall be reconstructed, remodeled, arranged for use or used for any adult only entertainment establishment unless authorized by issuance of a conditional use permit in accordance with the provisions of this Resolution. In addition to said provisions, an adult only entertainment establishment shall comply with the following conditional use criteria:

- A. No adult only entertainment establishment shall be permitted in a location which is 1,500 feet of another adult entertainment business;
- B. No adult only entertainment establishment shall be permitted in a location which is 1,000 feet from any residential district, residence, church, public or private school, or public park to avoid a blighting influence on these uses.

In both cases, A and B above, the distance shall be measured from the nearest property line of the existing use to the nearest property line of the proposed adult only entertainment establishment use.

4. Accessory Permitted Uses

1. Accessory Signs (See Section 8.044)
2. Off-street parking and loading
3. Any use customarily incidental to an allowed use.

7.03 AREA AND DIMENSION STANDARDS

All structures shall comply with the dimensional requirements hereunder:

1. Minimum Yard Depth

The minimum front yard depth shall be ninety (90) feet.

2. Minimum Side and Rear Yard:

- A. If both the side or rear lot line abuts land which is within the Business-Industrial District no minimum side or rear yard is required.
- B. If either the side or rear lot line abuts land within a different zoning district that yard (or both) shall have a setback equal to the height of the building but not less than twenty-five (25) feet.



## SECTION VIII

### SUPPLEMENTARY DISTRICT REGULATIONS

#### 8.01 HOME OCCUPATIONS

Any person may maintain an office or carry on a customary home occupation in the dwelling used as the person's private residence provided the following conditions are met:

1. The home occupation does not involve any extension or modification of the dwelling which will alter its outward appearance as a dwelling other than a sign as permitted under Section 8.043.
2. There is a maximum of one (1) non-resident employee engaged in the home occupation.
3. The space devoted to such home occupation shall not exceed twenty-five (25) percent of the gross floor area of the principal building.
4. No mechanical equipment shall be installed or used which will create excessive noise, interference with radio or television transmission or reception.

#### 8.02 ROADSIDE STANDS ON FARMS

Roadside stands consisting of a removable structure used only for the display and sale of agricultural products, produced on the premises are permitted accessory uses provided that:

1. Adequate facilities are provided and maintained for off-street parking.
2. That such stand is removed during the seasons when it is not actually used.
3. The stand shall be set back at least five (5) feet from the right-of-way.

#### 8.03 TEMPORARY LIVING SPACE

Temporary living spaces or those spaces used until the main dwelling is completed (generally located in basements, garages, or structures such as travel or vacation trailers) shall be permitted for a period not to exceed one (1) year. The Board of Zoning Appeals may grant an extension to this time limit if it is determined that the persons are hampered by conditions beyond their control.

#### 8.04 SIGNS

##### 8.041 Exempted Signs

The following signs are not subject to the provisions of this Resolution:

- A. Signs relating to the agricultural operations of a particular farm. Signs relating to general commercial products which are not produced on the farm are not exempt.
- B. Governmental signs for control of traffic and other regulatory purposes, street

signs, warning signs, railroad crossing signs, and signs of public utility companies for the purpose of safety.

#### 8.042 General Provisions

No sign shall be erected in such a manner as to obstruct free and clear vision, or at any location where, by reason of position, shape, or color it may obstruct the view of motorists or pedestrians.

No sign shall be erected, used, or maintained which anyway simulates official, directional, or warning signs erected or maintained by the State of Ohio, the County of Marion, or by any township or municipality thereof, or by any railroad, public utility, or similar authorized agency concerned with the protection of public health or safety.

Any illuminated sign shall be so shaded so as not to interfere with the vision of motorists or pedestrians and so as not to direct light on a neighboring residential property.

Any sign that is not maintained shall be removed.

#### 8.043 Accessory Signs in Rural-Residential, Rural-Business, and Residential Districts

A home occupation or professional office may have one unlighted sign, not more than four (4) square feet in area. Any other permitted non-residential use may have one (1) sign with not more than thirty-six (36) square feet per face.

#### 8.044 Accessory Signs in the Business-Industrial District

Two (2) signs for each commercial or industrial use shall be permitted with a maximum of three hundred (300) square feet of total sign area.

#### 8.045 Advertising Signs

- A. Advertising signs shall be deemed to be a principal use
- B. There shall be no more than one (1) advertising sign on any lot having less than two hundred (200) feet of unbroken frontage on a single street. A lot having two hundred (200) or more feet of unbroken frontage may have two (2) advertising signs.
- C. The maximum total sign area shall be four hundred fifty (450) square feet of area per face.

#### 8.046 Local Standards

- A. Accessory Signs
  - 1. No accessory sign shall be located in the required front or side yards.
  - 2. No accessory sign shall be located within one hundred and fifty (150) feet of any road intersection unless affixed to the principal structure.

B. Advertising Signs

1. An advertising sign shall comply with the yard requirements for the principal uses in the district in which it is to be located.
2. No advertising sign shall be located within one hundred and fifty (150) feet of any road intersection.

8.05 FRONTAGE REQUIREMENTS FOR DEEP LOTS WITHIN THE RURAL RESIDENTIAL DISTRICT

In the Rural-Residential District, where development is desired a substantial distance from the road, the minimum required frontage may be reduced to fifty (50) feet at a distance 90 feet from the building site provided the following conditions are met:

1. The total area of the lot is three (3) acres or more.
2. The width of lot, measured at the building line, is one hundred (100) feet.
3. All applicable setback requirements are met.
4. Only one single family dwelling is constructed on the lot and no other abutting property uses the strip for access unless it is dedicated as a public street or approved as a private street.
5. The lot is approved under the Marion County Subdivision Regulations.

8.06 ACCESSORY STRUCTURES

- A. Attached garages or other accessory structures connected with the main building by a breeze way or other permanently constructed shall be considered to be part of the principal structure for the purposes of this resolution.
- B. Accessory structures shall be located not less than twenty (20) feet to the rear of the principal structure and not less than five (5) feet from a side or rear lot line.
- C. On corner lots, an accessory structure may not be constructed within twenty (20) feet of any existing residence.

8.07 CORNER LOTS

In all districts, a corner lot shall have a minimum side yard on the side street equal to the required front yard depth required in the district in which it is located.

8.08 MINIMUM RESIDENTIAL DWELLING UNIT REQUIREMENTS

All single-family, two-family, and multi-family dwelling units must meet the following requirements, which shall be construed to be the minimum building requirements:

1. Manufactured Homes must be of new construction or no less than five (5) years old.

2. No single- or two-family dwelling shall be erected with less than 1200 square feet of gross floor area, exclusive of breezeways, porches, terraces, basements, and garages.
3. Each dwelling unit in a multi-family structure (structure with three or more dwelling units) shall have no less than 900 square feet of gross floor area, exclusive of breezeways, porches, terraces, basements, and garages.
4. All dwelling units must have a minimum length of twenty-four (24) feet at its most narrow point exclusive of porches or other attachments.
5. All dwelling units must have a minimum depth of twenty-four (24) feet at its most narrow point exclusive of porches or other attachments.
6. All dwelling units shall be affixed to a permanent foundation and connected to appropriate utilities (water, sewer, electric, etc.).
7. All dwelling units must have a 3.5:12 pitched roof (HUD approved for manufactured homes), conventional siding, and eight-inch minimum eave overhang including appropriate guttering.

8.09 SANITARY LANDFILLS, JUNK YARDS, CHEMICAL MANUFACTURING PLANTS, AND SIMILAR USES

These uses are prohibited in any district except in the Business-Industrial District and only then if:

1. More than one thousand (1,000) feet from any residence or residential district.
2. Approved by the Board of Zoning Appeals after a public hearing. See Section 7.02 (2. Conditional Permitted Uses) and Section 11.022 (Application for Conditional Uses).

8.10 UNLICENCED AND INOPERABLE VEHICLES

No more than one (1) wrecked, unlicensed, or otherwise inoperable vehicle or part thereof is allowed per dwelling unit, to be stored outside of a structure for no more than sixty (60) days per year. Any wrecked, unlicensed, or inoperable vehicle or parts thereof, may be stored for longer periods of time provided they are enclosed by a structure.

8.11 TELECOMMUNICATION OR CELLULAR COMMUNICATION TOWER REQUIREMENTS

1. Telecommunication or cellular communication towers shall be a minimum of 1000 feet from any residential dwelling unit.
2. Telecommunication or cellular communication towers shall be a minimum of 5280 feet from any public or private airport.

3. Telecommunication or cellular communication towers shall be a minimum of one and one-half (1 ½) tower heights (including base if applicable) from any buildings, roads, alleys, utility lines, etc.
4. Any site where a telecommunication tower is constructed shall be landscaped and maintained in keeping with the decor of the area in which the tower is located.

#### 8.12 MOTORIZED DIRT BIKES / ALL TERRAIN VEHICLE TRACKS AS ACCESSORY USES

Dirt bike / All Terrain Vehicle (A.T.V.) Tracks are to meet the following criteria:

1. At least five-hundred (500) feet from any existing residential dwelling on any neighboring properties.
2. Tracks must be screened from view of adjacent properties.
3. Riders may ride only from sun-up to one half (½) hour after sundown.
4. No more than two (2) riders who are not residents of the property are allowed at one time.

#### 8.13 DRIVEWAY CULVERTS ON RICHLAND TOWNSHIP ROADS

Driveways and farm field entrances are required to be a minimum of 40' length. Pipe diameter shall be a minimum of 8". Double walled corrugated Polyethylene Smooth Lined Pipe such as Hancor Sure-Lock or ADS Prolink or approved equal may be used. Galvanized, steel, annular corrugated pipe (spiral pipe not permitted) or reinforced concrete pipe may also be used. An approved equal can be used as long as there is 6" of cover. Richland Township Trustees will make the final determination of pipe size and material. Property owners are responsible for all materials and labor to install pipes. All materials must be on site before construction will commence. Property owner is responsible for all maintenance and upkeep of driveway culvert. When repairing old driveway culverts, they must be upgraded to the new standard. A zoning permit and fee is required.

#### 8.14 ROAD DITCH ENCLOSURE ON RICHLAND TOWNSHIP ROADS

The ditch must be deep enough to accommodate a tile measuring a minimum of 8" or larger in diameter to allow water to run off roadways effectively. All plastic pipes must be perforated to allow infiltration of water. Ditches with less than 6" of cover require corrugated Polyethylene Smooth lined, perforated pipe (double wall) as specified in O.D.O.T. 2010 Construction and Material Specification. Butt Joint concrete drain tile or butt joint extra strength clay drain tile is also acceptable. Ditches with over 6" of cover may use Corrugated Polyethylene single wall Perforated pipe. Richland Township Trustees will make final determination of pipe size and material. Property owner is responsible for all material and labor to install pipes. All materials

must be on site before construction will commence. Property owner is responsible for all maintenance and upkeep of ditch enclosure. When repairing an old ditch enclosure, it must be upgraded to the new standard. A zoning permit and fee is required.

## SECTION IX

### NON-CONFORMING USES AND STRUCTURES

#### 9.01 INTENT

Within the districts established by this resolution or subsequent amendments there exists lots, uses of land and structures which individually or in combination were lawful before this resolution was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this resolution. It is the intent of this resolution to permit these non-conformities to continue until they are voluntarily removed. It is also the intent of this resolution that non-conformities shall not be enlarged upon, expanded or extended, nor be used as ground for adding other structures or uses prohibited elsewhere in the same district.

#### 9.02 NON-CONFORMING LOTS

In a district in which dwellings are permitted, a dwelling and accessory structure may be constructed on a lot which is non-conforming as to width and/or area provided the following conditions are met:

1. The lot was a lot of record at the effective date of this resolution.
2. The lot is in separate ownership and not of continuous frontage with adjacent lots of the same ownership.
3. That all applicable setback requirements are met.

#### 9.03 NON-CONFORMING USES OF LAND

A non-conforming use may be continued subject to the exceptions and conditions hereunder.

##### 9.031 Change of Non-conforming Uses

No non-conforming use may be changed to another non-conforming use except with prior approval from the Board of Zoning Appeals in accordance with Section 11.021 of this Code.

##### 9.032 Abandonment

No building, structure or premises where a non-conforming use has ceased for two (2) or more years shall again be put to a non-conforming use.

#### 9.04 NON-CONFORMING STRUCTURES

##### Structural Alteration, Extension or Repair

A non-conforming structure may be altered, extended or repaired without prior approval from the Board of Zoning Appeals if such alteration, extension or repair does not increase the degree of non-conformity. For example, if the yard requirements are non-conforming as to the dimensions, such dimensions shall not be further decreased.

Expansion of Use

No structure in which a non-conforming use occurs may be expanded or changed to provide for an expansion of its non-conforming use without prior approval from the Board of Zoning Appeals. Examples of such expansion include increasing the number of dwelling units in a housing structure or increasing the floor space of a commercial or industrial establishment.

Repairing Damaged Non-conforming Structure

A non-conforming structure in which a non-conforming use occurs which is damaged or destroyed by fire, flood, winds, acts of God, or other causes beyond the control of the owner may be repaired or reconstructed and the non-conforming use, if any, may be continued provided that such repair or reconstruction is begun within a period of one (1) year and carried on diligently.

9.05 ECONOMICALLY SIGNIFICANT WIND FARMS, LARGER WINDFARMS & LARGE SOLAR

On August 18, 2022, the Marion County Board of Commissioners passed Resolution #2022-0472 to declare the entirety of the unincorporated area of Richland Township to be a restricted area prohibiting construction of economically significant wind farms, large wind farms and large solar facilities. By definition this applies to Solar facilities of 50 MW and larger. By definition this applies to Solar facilities of 5 MW or larger. Section 9.05 is not subject to zoning appeals.

9.06 COMMERCIAL SOLAR FARMS

No utility owned commercial solar farms under 50 MW are permitted in Richland Township

9.07 COMMERCIAL WIND FARMS

No utility owned or commercial wind farms under 5 MW are permitted in Richland Township

9.08 ACCESSORY SOLAR ENERGY FACILITIES

It is the purpose of the regulation to promote the safe, effective and efficient use of accessory solar energy systems installed to reduce the on-site consumption of utility-supplied electricity. An accessory solar system shall be considered a permitted accessory use in any district provided all requirements and regulations as set forth below are met. No person shall cause, allow or maintain the use of an accessory solar energy systems without first having obtained a zoning permit from the Zoning Inspector. Accessory solar energy facilities will count forward the space allowed for accessory structure coverage allows in residential districts.



1. A solar energy system is permitted in all zoning districts as an accessory to a principle use.
2. A solar energy system shall not be used for the generation of power for the sale of energy to other users although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.
3. A solar energy system connected to the utility grid shall provide written authorization from the local utility company acknowledging and approving such connection.
4. A roof/structure mounted solar energy system:
  - a. Shall be flush-mounted
  - b. Shall not extent beyond the perimeter (or edge of roof) of the structure on which it is located.
  - c. May be mounted to a principal or accessory structure.
  - d. Combined height of solar energy system and structure to which it is mounted may not exceed the maximum building height allowed in that zoning district for the type of structure to which it is attached.
5. A ground/pole mounted solar energy system:
  - a. Shall not exceed the maximum height allowed in that zoning district for accessory buildings.
  - b. Shall not be located within the required setback
  - c. The surface are of a ground mounted system, regardless of the mounted angle, shall be calculated as part of the overall lot coverage and may not exceed that lot coverage allowed by accessory structures.
6. Solar energy systems shall be designed and located in order to prevent reflective glare toward any inhabited structure on adjacent properties as well as adjacent street right-of-ways.

7. A solar energy system shall not be constructed until all applicable zoning and building permits have been approved and issued.
8. The design of the solar energy system must conform to all applicable industry standards.
9. Solar energy systems and all solar energy equipment that are no longer functioning shall be completely removed from the property within twelve (12) months from the date they are not producing electricity, become damaged, discontinued or broken. And earth disturbance as a result of the removal of the ground mounted solar energy system shall be graded and reseeded.
10. A site plan shall be submitted at the time of application and shall include
  - a. Property lines and physical dimensions of the site
  - b. Location of solar energy system(s) and all related equipment, setbacks from property lines, above and under-ground utility lines, easements and any structures on the property. Also show location of sewage treatment systems.

#### 9.09 ONSITE WIND ENERGY ACCESSORY FACILITIES

It is the purpose of this regulation to promote the safe, effective and efficient use of the accessory wind energy systems to reduce the on-site consumption of utility supplied electricity. An accessory wind energy system shall be considered a permitted accessory use in any district provided the following requirements below are met. A zoning permit is required before wind energy system can be installed.

1. No structure shall exceed sixty (60) ft. in height measured a top of blade when perpendicular to the ground. The height limitation may be appealed to the Richland Township Board of Zoning Appeals.
2. Setback requirements are the same as any other structure in each district. In addition, set back in all directions need to be minimum of 150 percent of total height to adjacent properties.
3. Noise generated by the wind structure may not exceed seventy (70) decibels measure at the nearest adjacent property.

4. A wind energy system shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.
5. A wind energy system connected to the utility grid shall provide written authorization from the local utility company acknowledging and approving such connection.
6. Wind energy systems and all wind energy equipment that are no longer functioning shall be completely removed from the property within twelve (12) months from the date they are not producing electricity, become damaged, discontinued or broken. Any earth disturbance as a result of the removal of the ground mounted wind energy system shall be graded and reseeded.
7. A site plan shall be submitted at the time of application and shall include:
  - a. Property lines and physical dimensions of the site.
  - b. Location of wind energy system(s) and all related equipment, setbacks from property lines, above and under-ground utility lines, easements and any structures in the property. Also show locations of sewage treatment systems.

#### 9.10 SOLAR AND WIND FARMS

This Zoning Resolution is to promote the public health, safety, morality and general welfare and to protect and conserve property and property values; and in addition to and in support of the purpose of zoning set forth in Chapter 519 of the Ohio Revised Code. This resolution is adopted in for the following purposes:

- A. To protect the character, values and orderly development of agricultural, residential, institutional, commercial and industrial users.
- B. To promote public safety by location building and uses in a manner which will avoid interferences, accidents and damage by traffic.
- C. To provide open spaces for light and air, to prevent excessive concentration of population where public water supply and sanitary sewers are not now available.

- D. To guide the future development of the Township in a manner which will promote the prudent extension of public improvements and services. Solar and wind farms are not agriculture, as defined by the Ohio Revised Code.
- E. Permit fees for court approved or Ohio Siting Board approved commercial projects will follow the Zoning Commercial fee guidelines per parcel of land.
- F. Permit Fees on solar and wind systems for residential use will follow zoning building permit guidelines.
  - I. Addition to the Zoning Regulations. The Text Amendments made by this Resolution shall be as a supplement to the Zoning Regulations, as codified in R.C. 519.01 et seq.
  - II. Invalidity. If any section, clause or phrase of Resolution of the Text Amendments adopted hereby is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this Resolution of the Text Amendments adopted hereby, as the case may be.
  - III. Repeal. The Zoning Regulation heretofore adopted that are in conflict with this Text Amendments are amended, repealed, or replaced, as the case may be, to be consistent with the Text Amendments adopted hereby.
  - IV. Effective Date. This Resolution shall be in full force and effect from and after its adoption by the board.

## SECTION X

### ZONING INSPECTOR AND ZONING PERMITS

1. The position of Township Zoning Inspector is hereby created. He shall be appointed by the Board of Township Trustees and shall receive such compensation, as the Trustees shall provide. He shall keep records of all applications for Zoning certificates and the action taken thereon.
2. Before constructing any building, ditch enclosure or driveway culvert (excluding buildings incident to agricultural purposes), changing the use, or altering any building or structure, ditch enclosure, or driveway culvert (including accessory buildings, signs, or changing the use of any premises), application shall be made to the Township Zoning Inspector for a zoning permit. The applicant shall a description of the proposed construction, alteration, change of use. Such description shall include when applicable, drawings to scale, showing relevant dimensions and any other information necessary for the enforcement of this resolution.
3. A zoning permit shall be revocable, if among other things, the actual use, construction or alteration does not conform to the terms of the application and permit granted thereon.
4. A zoning permit shall expire one (1) year after issuance unless the construction, alteration or change of use permitted by its issuance has been substantially begun and is thereafter pursued to completion.
5. The fees to be charged for all permits required by this Zoning Resolution along with the fees required for matters to come before the Zoning Commission or Board of Appeals shall be set fourth in a separate Resolution adopted by the Richland Township Trustees. Failure to obtain a permit prior to undertaking a project subject to this Resolution shall result in the doubling of the required zoning fee.
6. No zoning permit shall be required for alterations, remodeling or repairs on any building, provided that the gross floor area is not enlarged. No permit shall be required.
7. No zoning permit shall be required for temporary removable structures erected as part of a construction project, nor for the construction of roads, sewers, service lines, utility lines or driveways.
8. A zoning permit and fee shall be required for all driveway culverts and ditch enclosures (refer to #5 above).
  - I. Addition to the Zoning Regulations. The Text Amendments made by this Resolution shall be as a supplement to the Zoning Regulations, as codified in R.C. 519.01 et seq.
  - II. Invalidity. If any section, clause or phrase of Resolution of the Text Amendments adopted hereby is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this Resolution of the Text Amendments adopted herby, as the case may be.
  - III. Repeal. The Zoning Regulation heretofore adopted that are in conflict with this Text Amendments are amended, repleaed, or replaced, as the case may be, to be consistent with the Text Amendments adopted hereby.

IV. Effective Date. This Resolution shall be in full force and effect from and after its adoption by the board.

## **SECTION XI**

### **BOARD OF ZONING APPEALS**

#### **11.01 ESTABLISHMENT AND ORGANIZATION**

The Board of Township Trustees shall appoint a Township Board of Zoning Appeals consisting of five (5) members who shall be residents of the unincorporated territory of the township. The terms of all members shall be of such length and so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed. Members shall be removable for the same causes and in the same manner as provided by Section 519.04 of the Ohio Revised Code. Vacancies shall be filled by appointments by the Board of Township Trustees and shall be for the unexpired term. The members shall serve without compensation.

#### **11.02 POWERS OF THE BOARD**

##### **11.021 Interpretation of This Resolution**

Upon appeal from a decision of the Zoning inspector, the Board may hear and decide any question involving the interpretation of the test of this resolution or zoning map.

##### **11.022 Applications for Conditional Uses**

The Board shall have original jurisdiction and shall hear and decide upon application filed for conditional uses. In considering such an application the Board shall give due regard to the nature and condition of all adjacent uses and structures, and consistency therewith of the proposed use and development. Before authorizing a conditional use, the Board shall determine whether the proposed use would be hazardous, harmful, noxious, offensive or a nuisance to surrounding neighborhoods.

Upon authorizing a conditional use the Board may impose such requirements and conditions with respect to construction, maintenance and operation, in addition to those stipulated in this resolution, the Board shall deem necessary for the protection of adjacent properties and public interest.

##### **11.023 Variances**

The Board may authorize upon appeal in specific cases, variances from the provisions of this resolution as will not be contrary to the public interest. However, nothing contained herein shall authorize the Board to affect changes in the zoning map or to add to the uses permitted in any zoning district. In order to grant a variance, the Board must find:

1. That there are special circumstances or conditions applying to the land or buildings for which the variance is sought. These circumstances or conditions shall be such that the strict applications of the provisions of this resolution would result in practical difficulties and unnecessary hardship and deprive the applicant of the reasonable use of the land or building.

2. That the granting of the variance will be in harmony with the general purpose and intent of this resolution and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
3. That the condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent a nature as to make it more practicable to consider an amendment to the resolution according to the procedure set forth in Section XIII.

### 11.03 PROCEDURES

The Township Board of Zoning Appeals shall organize and adopt rules in accordance with this resolution. Meetings of the Board shall be held at the call of the Chairman, or in his absence, the Acting Chairman. The Chairman or Acting Chairman may administer oaths and the Board may compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each, question, or if absent or failing to vote, indicating such fact, and shall keep records of its actions, all of which shall immediately be filed in the office of the Board of Township Trustees. Three (3) members of the Board shall constitute a quorum to conduct business. The Board shall act by resolution and the concurring vote of three (3) members shall be necessary to decide on any matter of which the Board has jurisdiction to decide upon. In the absence of three (3) members, one (1) member shall be a quorum for the purpose of establishing a date and time for the continuance of the meeting, after this is accomplished, such meeting shall adjourn.

#### 11.031 Applications and Appeals

An application for a decision or an appeal to the Board may be made by any person or organization (or their agent or attorney) affected by the provisions of this Resolution.

The procedure for such proposed appeals shall be as set forth in the Ohio Revised Code, Section 519.15.



## **SECTION XII**

### **ZONING COMMISSION**

#### **12.01 ORGANIZATION**

The Zoning Commission shall be composed of five (5) members, appointed by the Township Trustees who shall be residents of the unincorporated territory of Richland Township. The terms of all members shall be of such length and so arranged that the term of one member shall expire each year. Each member shall serve until his successor is appointed. Members shall be removable for the same causes and the same manner as provided by Section 519.04 of the Ohio Revised Code. Vacancies shall be filled by appointments made by the Board of Township Trustees.

#### **12.02 GENERAL PROCEDURES**

The Township Zoning Commission shall meet at least four (4) times per year and shall also adopt rules to govern its activities in accordance with this resolution. All meetings of the Commission shall be open to the public. The Commission 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 examination and other official actions, all of which shall be filed immediately in the office of the Township Trustees and shall be public record. Three (3) members of the Commission shall constitute a quorum.

#### **12.03 POWER AND DUTIES**

1. The Zoning Commission may initiate proposed amendment to this resolution.
2. The Zoning Commission shall review all proposed amendments to this resolution and make recommendations to the Board of Township Trustees pursuant to Section XIII

## **SECTION XIII**

### **AMENDMENTS**

It shall be the policy of the Richland Township Government to consider this Zoning Resolution, together with its Zoning District Map, to be subject to amendment from time to time, in order to recognize changing conditions of land use and development, and to utilize improved practices in zoning. The Resolution will be regarded as a flexible means of encouraging good development and use of land in Richland Township

To these ends, the Richland Township Trustees, Richland Township Zoning Commission, property owners or lessees of property may initiate amendments. The procedure for such proposed amendments shall be as set forth in the Ohio Revised Code, Section 519.12.

## **SECTION XIV**

### **ENFORCEMENT**

1. It shall be unlawful to construct, reconstruct, enlarge, change, maintain or use any building or to use any land in violation of any provision of this resolution or any amendment thereto. Any person, firm or corporation violating this resolution or any regulation, provision or amendment thereto shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than one hundred dollars (\$100.00), each day and every day during which such illegal erection, construction, reconstruction, enlargement) change, maintenance or use continues, may be deemed a separate offense.
  
2. In case any building in or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, or any land is or is proposed to be used in violation of law or of this resolution or any amendment thereto, the Board of Township Trustees, the Prosecuting Attorney of the County of Marion, 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, action proceedings to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use. The Board of Township Trustees may employ special counsel to represent it in any proceedings or to prosecute any actions brought under this Section.
  
3. No lot, yard, parking area, or other open space shall be reduced in area or dimension so as to make said area or dimension less than the minimum required by this resolution. No part of a yard, parking area or other space provided for any building in compliance with this code shall be included as a part of a yard, parking area or other open space required for another building.

## **SECTION XV**

### **EFFECT OF INVALIDITY OF ONE SECTION**

Should any Section or provision of this Resolution be decided by the Courts to be unconstitutional or invalid, such decisions shall not affect the validity of the Resolution as a whole, or any part thereof other than the part so held unconstitutional or invalid.

## **SECTION XVI**

### **EFFECTIVE DATE**

This Resolution shall take effect and be in force within thirty (30) days following certification by the Board of Elections, if the Resolution is so approved by a majority vote cast by the electors of Richland Township.

## SECTION XVII

### DEFINITIONS

#### 17.01 INTENT

The following terms shall have the meaning given herein for the purpose of this Resolution. The word "shall" is to be interpreted as mandatory and not directive.

The word "may" is permissive. All words used in the singular shall include the plural, and all words used in the present tense shall include the future tense, unless the context clearly indicates the contrary.

The word "Township" shall mean Richland Township, Marion County, Ohio.

The term "Commission" shall mean the Richland Township Zoning Commission. The term "Board" shall mean the Richland Township Board of Zoning Appeals. The term "Trustees" shall mean the Richland Township Trustees.

Agriculture. The use of land for farming, including dairying, pasturage, apiculture, aquaculture, horticulture, floriculture, vitivulture, and animal or poultry husbandry. The property being used for agriculture zoning exemption must be a minimum of ten (10) acres or a minimum gross income of two thousand five hundred dollars (\$2,500) being derived from the previously defined types of farming.

Accessory Buildings. Buildings located on the same lot with a principal building, the use of which is customarily incident to that of the principal building.

Accessory Use. A use subordinate to the principal use of a building or premise, and customarily incidental thereto.

Adults Only Entertainment Establishment. An establishment which features adult services that makes available or sells adults only material or which features exhibitions of: persons totally nude, topless or bottomless, or persons with less than full opaque covering of private parts of the body, erotic dancers, strippers, male or female impersonators, or similar entertainment which constitutes adult material.

Adults Only Material. Any book, magazine, newspaper, pamphlet, poster, print, slide, transparency, figure) image, description, motion picture film, phonograph record or tape, other tangible thing or any service, capable of arousing interest through sight, sound, or touch, or is characterized by an emphasis on sexual excitement.

Airport. Any runway, land area or other facility designed or used either publicly or privately by any person for the landing and taking-off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings, and open spaces.

Building. Any structure having a roof supported by columns or walls used for shelter or enclosure of persons or property.

Building or Structure Height. The vertical distance measured from the average elevation of the proposed finished grade at the front of the building or structure to the highest point

(where roofs are involved a flatroof is considered the highest point, the deck line of a mansard roof is considered the highest point, and for gable, hip, and gambrel roofs the mean height between eaves and ridge is considered the highest point).

Comprehensive Plan. The Comprehensive Plan for Marion County or parts thereof, as and when adopted or amended by the Marion County Regional Planning Commission.

Conditional use; Special Exception. A principal use which is subject to conditional approval by the Board of Appeals. A conditional use (or special exception) may be granted by the Board only under one of the following conditions:

- A. Where there is a specific provision in this Code for such use within the District involved, or
- B. In case the use in question is not listed as either permitted or prohibited in the District involved, and the Board is specifically authorized to determine whether an unlisted use is similar to others listed as permitted. Such favorable determination may not be made in the case of a use which is first listed as permitted or as prohibited in a less restricted District.

District, Zoning. A portion of the land within Richland Township which certain uniform regulations and requirements are in effect.

Dwelling. Any building or portion thereof designed or used as the home of one or more persons or families, including modular dwellings but not including a tent, cabin, hotel, motel, recreation vehicle or mobile home.

Dwelling, Modular or Industrialized Unit. A fixed dwelling constructed with preassembled or partially preassembled modules or units, built using the same type of materials used in conventional construction, brought to a building site by temporary means of transport, assembled and permanently fixed to the ground. A mobile home or a manufactured home as separately defined shall not be deemed to be a modular dwelling.

Dwelling, Seasonal. A summer cottage, winter lodge, or similar lodging occupied less than six (6) months during a year. Mobile homes or manufactured homes are not to be considered seasonal dwellings.

Floor Area. The measurement of floor area for the purposes of this resolution shall be the sum of the area of the first floor, as measured to the inside of exterior walls plus that area, similarly measured, of all other stories having eighty four (84) or more inches of headroom. For residential uses, the floor area of uninhabitable basements, cellars, garages, attics, breezeways, and unenclosed porches shall be excluded.

Home Occupation. An occupation which is carried on in the home clearly incidental and secondary to the residential use meeting the requirements of Section 8.01 of this resolution.

Industrialized Unit. A building unit or assembly of closed construction fabricated in an off- site facility, that is substantially self sufficient as a unit or as a part of a greater structure, and that requires transportation to the site of intended use. "Industrialized unit" includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. "Industrialized Unit" does not include a manufactured or mobile home.

Junk Yard. Land used to dismantle more than two motor vehicles or trailers, or land used to store, sell or dump partly dismantled, obsolete or wrecked vehicles or their parts, used building materials, junk, paper, or other salvaged materials.

Lot. A single tract or unit of land having frontage on a dedicated public or approved private street, occupied or intended to be occupied by a principal building or group of such buildings and accessory buildings or utilized for a principal use and uses accessory thereto, together with the minimum open space as required in this resolution.

Lot, Corner. A lot abutting two (2) streets or roads at their intersections, where the interior angle is not more than 135 degrees.

Lot, Area. The computed area within the lot lines.

Lot, Width. The mean horizontal distance across the lot between side lot lines, measured at right angles to the lot depth, provided that the minimum lot widths required by this resolution shall be so measured at a distance from the front lot line equal to the required depth of the front yard.

Manufactured Home. A building unit or assembly of closed construction fabricated in an off-site facility, that conforms with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the “Manufactured Housing Construction and Safety Standards Act of 1974,” and that has a label or tag permanently affixed to it certifying compliance with all applicable federal construction and safety standards.

Mobile Home. A building unit or assembly of closed construction fabricated in an off-site facility, is more than 35 body feet in length, or, when erected on a site is 320 or more square feet, that is built on a permanent chassis and is transportable in one or more sections, and does not qualify as a manufactured home or industrialized unit as defined in this Chapter. These units were primarily built before 1976 when HUD standards became effective.

Modular Home. See “Industrialized Unit”.

Non-Conforming Structure. A building or structure, lawfully existing at the time of the effective date of this resolution that does not conform to the regulations for the Zoning District in which it is located.

Non-Conforming Use. The use of a building or structure or a tract of land, lawfully existing at the time of the effective date of this resolution that does not conform to the regulations for the Zoning District in which it is located.

Permanent Foundation. Permanent masonry, concrete, or locally approved footing or foundation.

Principal Use. The primary or chief use for which a lot or structure is used.

Public Uses. All lands, other than streets or highways, owned by and officially designated for continuing public use by a municipality, township, county, school district, state of Ohio, U.S. Government, or any other duly constituted agency of government.

Recreation Facilities, Private. Privately owned recreation facilities which are not operated for the general public for profit, including private country clubs, riding clubs, fishing or hunting



clubs, swimming pools and other similar private recreation areas.

Recreation Facilities, Limited Commercial. Recreation areas and facilities open to the public, established and operated for profit, limited to enterprises serving vacation and/or one-day customers, including picnicking, camping, fishing, boating, riding stables, golf courses, ski lodges, swimming pools, with the sale of goods and services limited to food, beverages related supplies and related services.

Recreation Facilities, General Commercial. Recreation areas and facilities open to the public, established and operated for profit, including ice skating rinks, race tracks, amusement parks, carnivals and similar commercial enterprises.

Semi Public Uses. Land owned by a nonprofit organization or agency which is open to general public use, including but not limited to a cemetery, church, Sunday school, parochial school, college, hospital, site occupied by an auditorium, museum, art gallery or other institutions of an educational, religious, charitable or philanthropic nature but not including any private or semi-private club, lodge, fraternity or other similar activity.

Sign. Any writing, numerals, pictorial representation, illustration, decoration emblem, symbol, trademark, flag, banner, pennant, streamers, or any other figures or object of similar character which:

1. is a structure or is any part thereof, or is attached to, painted on, or in any other manner represented on a building, column, or other structure, or any portable device, and
2. is used to announce, direct attention to, or advertise, and
3. is visible from any street alley, park, or other public area.

Sign, Area of. The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character together with any frame, excluding the necessary supports. For a sign having more than one (1) display surface, all surfaces shall be included in computing the total of the exposed exterior display surface area. For a sphere or other curved sign, the area shall be that of the largest plane passing through it at right angles to the principal line of vision.

Sign, Accessory. A sign which relates solely to the building or premises on which it is located.

Sign, Advertising. A sign which directs attention to a use, commodity or service not related to the premises on which it is located, including a billboard.

Street. An existing public way approved by official action used as the principal means of access to abutting property. The term "Street" shall include avenue, circle, road, parkway, boulevard, highway, thoroughfare, or any similar term.

Structure. Any constructed or erected material or combination of materials, the use of which requires location on the ground, including but not limited to, buildings, stadia, radio towers, sheds, storage bins, swimming pools, walls, and fences. No portable storage units (PODS), semi-trailers, railroad cars, or similar structures shall be permitted on any lot.

Variance. A modification of this resolution, granted by the Board of Zoning Appeals permitted

in instances where a literal application of provisions in this resolution, pertaining to the land or building, creates an undue hardship.

Vehicle. Every device, including a motorized bicycle, on, upon, or by which, any person or property may be transported or drawn upon a street or highway, except devices other than bicycles moved by human power.