

## TABLE OF CONTENTS

Chapter/ Section		Page
<b>Chapter 1</b>	<b>CITATION AND TERMINOLOGY</b> .....	<b>1</b>
<b>Chapter 2</b>	<b>DISTRICTS</b> .....	<b>2</b>
2.1	Kinds Of Districts .....	2
2.2	Boundaries .....	2
<b>Chapter 3</b>	<b>PERMITTED USES</b> .....	<b>3</b>
3.2	Accessory Uses .....	4
	Accessory Buildings .....	4
	Mobile Homes .....	5
	Junk Vehicles .....	5
3.3	Conditional Uses - Procedures And Requirements .....	5
3.4	Conditional Uses - Requirements For Specific Uses .....	6
	General Requirements .....	6
	Specific Requirements .....	6
	Ponds .....	6
	Mobile Home Parks .....	7
	Recreation Vehicles .....	8
	P.U.D. ....	8
	Travel Trailers .....	8
3.5	Temporary Uses - Requirements For Specific Uses .....	8
	Mobile Home .....	8
3.6	Uses Not Otherwise Included Within A Specific Use District.....	8
	Commercial Radio/TV/Cell Towers .....	9
<b>Chapter 4</b>	<b>SUPPLEMENTARY REGULATIONS</b> .....	<b>9</b>
4.1	Yard, Lot, Density, Coverage, Bulk And Height Requirements ..	9
4.2	Off-Street Parking And Loading Berths .....	10
4.3	Signs .....	11
4.4	Frontage On A Public Thoroughfare ..	12
4.5	Major Thoroughfare Right Of Way .....	12
4.6	Exterior Lighting .....	12
4.7	Drainage .....	12
<b>Chapter/</b>		

<b>Section</b>	<b>Page</b>
<b>Chapter 5    NON-CONFORMING USES</b> .....	<b>13</b>
5.1            Non-Conforming Buildings .....	13
5.2            Non-Conforming Use Of Land .....	13
5.3            Non-Conforming As To Lot Area, Width And Depth .....	14
<b>Chapter 6    BOARD OF ZONING APPEALS</b> .....	<b>14</b>
6.1            Creation Of Board Of Appeals .....	14
6.2            Organization And Procedure .....	14
6.3            Application For Variance .....	14
6.4            Conflicting Regulations .....	15
6.5            Appeals .....	15
6.5            Powers Of The Board Of Appeals .....	15
6.6            Fees .....	16
<b>Chapter 7    ADMINISTRATION AND ENFORCEMENT</b> .....	<b>16</b>
7.1            Zoning Permit Required .....	16
Application.....	16
Fees .....	16
Temporary Permit .....	17
Compliance Certificates .....	17
7.2            Enforcement .....	17
Footer Inspection .....	18
7.3            Penalties .....	18
<b>Chapter 8    AMENDMENTS</b> .....	<b>18</b>
8.1            Initiation Of Amendments .....	18
8.2            Procedure .....	18
8.3            Fees .....	18
<b>Chapter 9    DEFINITIONS</b> .....	<b>19</b>
<b>Chapter 10    EFFECTIVE DATE AND VALIDITY</b> .....	<b>27</b>

# **ZONING REGULATIONS**

**of**

## **PORTAGE TOWNSHIP, HANCOCK COUNTY, OHIO**

A RESOLUTION DIVIDING THE UNINCORPORATED AREA OF PORTAGE TOWNSHIP, HANCOCK COUNTY, STATE OF OHIO, INTO DISTRICTS, ESTABLISHING LIMITATIONS ON HEIGHT, BULK AND LOCATION OF STRUCTURES AND USES OF LAND. FIXING SETBACK LINES AND DIMENSIONS OF YARDS AND OTHER SPACES, AND PRESCRIBING THE PERMISSIBLE USES FOR SUCH BUILDINGS, STRUCTURES AND/OR PREMISES IN EACH OF SUCH DISTRICTS.

BE IT RESOLVED by the Board of Trustees of Portage Township, Hancock County, Ohio; in order to promote the public health, safety, morals, comfort, or general welfare; to conserve and protect property and property values; to secure the most appropriate use of land; and to facilitate adequate but economical provision of public improvements; all in conformance with a Comprehensive Plan, that:

### **CHAPTER 1. CITATION AND TERMINOLOGY**

#### **1.1 Short Title**

This Resolution may be cited as the "Zoning Resolution of Portage Township".

#### **1.2 Terminology**

Terms used in this Resolution shall be deemed to have the meaning defined in Chapter 9.

## CHAPTER 2. DISTRICTS

### 2.1 Kinds of Districts

The Township is hereby subdivided into the following districts:

- 2.1.1 **Agricultural Districts**, designated "**A**", are intended to provide for agricultural use of those areas best suited to farming activity, and, recognizing that prime farm land is an unrenowable resource, to protect and preserve such land for agricultural activity. The intent is to provide for an environment of predominantly agricultural activity, wherein residential development is clearly accessory to a farming operation.
- 2.1.2 **Residence Districts**, designated "**R-1**", are established for low to medium density single-family residences.
- 2.1.3 **Residence Districts**, designated "**R-2**", are established for medium to high density single and multiple-family residences.
- 2.1.4 **Limited Business Districts**, designated "**LB**", are established to include areas that are close to residential areas and appropriate to meeting the every day convenience needs for shopping and services.
- 2.1.5 **General Business Districts**, designated "**GB**", are established to include areas that are appropriate to providing businesses and services to the larger community.
- 2.1.6 **Manufacturing Districts**, designated "**M**", are established for various industrial, warehousing, processing, and other areas of similar performance characteristics.
- 2.1.7 **Conservation and Recreation Districts**, designated "**S**", are established to limit the types of development in areas which would benefit public use.

### 2.2 Boundaries

Boundaries established by Section 2.1, are shown on the "Zoning Map of Portage Township, 1972" or as thereafter amended; which map is made a part hereof by reference, along with the scale and all notes, dimensions and other graphics appearing thereon. When a right-of-way is vacated, the districts adjoining each side of said right-of-way are respectively extended to the center of the right-of-way so vacated. Any inconsistencies or uncertainties involving district boundaries shall be interpreted by the Board of Zoning Appeals.

### CHAPTER 3. PERMITTED USES

Primary uses are authorized in the Districts established by Section 21., as shown by an "X" in the following table. Where the use is indicated by an "O", the use is permitted as a Conditional Use only as provided in Section 3.3 and other appropriate sections of this Chapter. Zoning Certificates will be required as in Chapter 7 of this Resolution.

USE	DISTRICT						
	A	R-1	R-2	LB	GB	M	S
Natural Resource Development	X					X	X
Airport	O					O	O
Agriculture, Farming, etc.	X	X	X	X	X	X	X
Ponds	X	O	O	X	X	X	X
Nurseries & Greenhouses	X				X	X	X
Single-Family Residences	X	X	X	X			
Multiple-Family Residences, Lodging Houses, Boarding Houses, etc.	O		X	X	X		
Mobile Home Parks	O		O	O	O		
Grocery, Bakery, Drug Stores Of Less Than 5,000 Sq. Ft. Floor Area				X	X	X	
Barber, Beauty Shops, Laundromats				X	X	X	
Financial Institutions, Insurance, Real Estate, Professional, Administrative, Sales & Other Offices					X	X	
Business, Utility, Travel, Mailing Services, Private Schools And The Like					X	X	
Home Occupation	X	X	X	X	X		
Home Business	O	O	O	O	O		
Retail Shops & Stores Of All Kinds, Personal Services, Grocery Stores, Auto Sales Lots, Trailer Sales Lots, Drive-In Restaurants, Auto Service Stations, Upholstery & Shoe Repair Shops, Retail Related Storage, Commercial Amusements, Motels, And The Like					X	X	
Boat Sales & Services, Go-Cart Tracks, Commercial Race Tracks, Travel Trailer Parks, Overnight Camps, And The Like							O

USE	DISTRICT						
	A	R-1	R-2	LB	GB	M	S
Wholesale & Warehousing, Including Freight Terminals						X	
Sheet Metal Shops, Auto Repair, Printing Shops, Poultry Hatcheries, Bakeries, Dairies, Junk Yards, Kennels						X	
All Manufacturing, Processing, & Open Storage Facilities						X	
Fertilizer, Retailing For Agriculture Purposes	X				X	X	
Veterinary Clinic	X						
Public Parks, Playgrounds, Athletic Fields, & Similar Outdoor Recreation	X	X	X	X	X	X	X
YMCA, YWCA, & Similar Indoor Recreation Facilities				X	X		
Schools & Other Cultural & Educational Institutions; Churches, Cemeteries	X	X	X	X	X		
Hospitals, Sanitariums, Orphanages, Nursing Homes, & Homes For The Aged			X	X	X		
Public Utility Use Of All Kinds	X	X	X	X	X	X	X
Planned Unit Developments	O	O	O	O	O	O	

### 3.2 Accessory Uses

Accessory uses such as the following are permitted in all districts: bird baths, bird houses, buildings, curbs, driveways, fences, hedges, lamp posts, mail boxes, name plates, parking spaces, public utility installations, retaining walls, trees, shrubs, plants, flowers, other landscaping, walks, and the like. All accessory buildings shall meet the following requirements:

- 3.2.1 Accessory buildings shall be located in the rear yard, and shall be no closer than ten (10) feet from the main building when separated from the main building.
- 3.2.2 Accessory buildings in all districts shall be not less than ten (10) feet from any alley or street, no less than five (5) feet from a rear lot line, and shall not project into the minimum rear yard of a double frontage lot.
- 3.2.3 On lots where the rear yard abuts a side yard of a corner lot, the accessory buildings may not project beyond the front yard of said corner lot.
- 3.2.4 In Residential Districts, accessory buildings shall not occupy more than thirty percent (30%) of the rear yard, nor shall they exceed fourteen (14) feet in height.

- 3.2.5 In any district, one travel trailer and one boat and/or boat trailer may be stored on a residential lot, provided it is stored in the side yard, rear yard, or in an accessory building, and is the property of a resident on said lot.
- 3.2.6 In an Agricultural District, a mobile home may be permitted as an accessory use to an agricultural primary use; provided that it is located on a parcel of five (5) acres or more, it is located twenty-five (25) feet from any side lot line and fifty (50) feet from the front lot line and twenty-five (25) feet from the rear lot line; and provided further, that it shall be permitted until, and only until sixty (60) days after the recording of a deed which reduces the property on which the mobile home is located below five (5) acres. If landowner builds a house, he then has sixty (60) days after completion of house to remove the trailer.
- 3.2.7 One mobile home per farm (35 acres or more) may be permitted as a Conditional Use by the Board of Appeals. The location of such permitted mobile home shall be in accordance with the yard requirements specified in residential uses in "A" Districts. The mobile home, when moved into place, must be at least four hundred (400) square feet in floor area. Mobile homes shall be put on a concrete pad.
- 3.2.8 Mobile homes are permitted in conjunction with an existing dwelling and for use of the immediate family (parent or children). Such mobile homes shall not be used as rental units, and shall be located on the site in accordance with yard requirements specified for residential uses in "A" Districts. Mobile homes, when moved into place, shall be at least four hundred (400) square feet in floor area, and shall be placed on a concrete pad. When a mobile home is no longer occupied by the immediate family, such mobile home shall be removed from the site within sixty (60) days.
- 3.2.9 Junk vehicles and/or rubbish means no unlicensed vehicles not being used in agriculture or abandoned, wrecked, dismantled, or totally disabled automobiles, trucks, trailers, aircraft, or discarded furniture, appliances or other miscellaneous materials shall be permitted to remain exposed on the premises for no more than 30 days.

### 3.3 **Conditional Uses - Procedure and Requirements**

The Board of Zoning Appeals may grant Conditional Use permits where Section 3.1 indicates a Conditional Use is permitted. Such permission may be granted after the requirements of this and following sections, and other Chapters of this Resolution are met.

- 3.3.1 **General Requirements.** A Conditional Use may be granted only after it has been determined to be essential or desirable to the public convenience and welfare, in harmony with existing recommendations and objectives of a Comprehensive Plan, and in conformance with setback, yard, off-street parking, density, and other requirements of the district in which it is located.

### 3.4 **Conditional Uses - Requirements for Specific Uses**

In addition to the general requirements of Section 3.3, the following requirements shall be met for the following special uses.

3.4.1 Artificial ponds or lakes shall be permitted subject to the following conditions:

- a. All artificial ponds or lakes shall comply with all requirements of this Resolution including, but not limited to, setback and yard requirements.
- b. In determining compliance with setback and yard requirements, measurements shall be made as follows:
  - 1) For in-ground ponds or lakes or portions thereof, from the edge of the pond or lake bank nearest the road right-of-way or lot line to the road right-of-way or lot line.
  - 2) For above-ground ponds or lakes or portions thereof, from the lowest point on the outside of any embankment nearest the road right-of-way or lot line to the road right-of-way or lot line.
  - 3) The land from twenty feet from rear and side property lines to the edge of the graded pond shall not be raised. If Hancock Soil & Water Conservation, or engineering firm determines that a swale be created to control surface water from flowing onto a neighboring or adjacent property, the appropriate action must be taken.
- c. All applicants for a Zoning Permit for artificial ponds or lakes shall be accompanied by a drawing made by or approved by the U.S. Department of Agriculture Soil and Water Conservation Service or similar service, commission, organization or qualified professional.

3.4.2 Mobile home parks shall be permitted only after the following requirements are met:

- a. A Plot Plan prepared by and bearing the seal of a Registered Engineer in the State of Ohio shall be presented with the request showing the location and character of all facilities, utilities, lots, walks, recreation areas, service buildings, streets, and a typical lot plan.
- b. Minimum size of a mobile home park shall be ten (10) acres and the density of mobile homes shall not exceed six (6) mobile home lots per gross acre nor shall the density of mobile home lots exceed that permitted for other housing in the district.
- c. All mobile home lots shall abut interior streets of the park, and all mobile homes shall be set back fifteen (15) feet from any property line and fifty (50) feet from any street.
- d. All mobile homes shall be at least four hundred (400) square feet in floor area,



and shall be placed on concrete pads.

- 3.4.3 Boat sales and storage and services, go-cart tracks, and trailer camps, may be permitted only after the following requirements have been met.
- a. Boat sales and services shall be permitted only in the General Business District, provided they are one hundred (100) feet from the nearest residential unit. Boat storage may be permitted in farm buildings in the Agricultural District; provided no outdoor storage is made and no residence other than the owner's is within two hundred-fifty (250) feet.
  - b. Go-cart and commercial race tracks may be permitted in the Special Districts only when the owner owns all land within two hundred-fifty (250) feet of any track facilities of any kind and the track facilities are at least one hundred (100) feet from any street or highway. When located in the "S" District, assurance must be given that permanent buildings are above flood grade, and that no grading, fill, or other alteration will be planned which would impede the flow of the stream during flood stage.
- 3.4.4 Planned Unit Developments may be permitted in any district, with the exception of Special District, when the following requirements are met:
- a. The site is at least twenty-five (25) acres in size, and plans are in conformity with a Comprehensive Plan.
  - b. Mixed patterns of uses must be compatible with one another and with the surrounding area. Overall density shall not exceed the maximum permitted in the district.
  - c. Plans shall be prepared by a Registered Engineer and shall show all streets, proposed public utilities, open spaces; proposed building sites, off-street parking, and other facilities which are proposed to become a part of the development.
  - d. All plans shall be in conformance with Subdivision Regulations of Hancock County.
- 3.4.5 Travel Trailer Parks and Overnight Camps may be permitted in "S" and "A" Districts provided the following requirements are met:
- a. The use is not closer than one hundred (100) feet from the nearest residential district boundary, and the owner has control of one hundred (100) feet of land surrounding the use.
  - b. No more than fifteen (15) camp sites per gross acre shall be permitted.
  - c. When located in the "S" District, assurance must be given that no facilities construction will require grading, filling, or other movement of earth and materials

which would impede the flow of the stream during flood periods.

### **3.5 Temporary Uses - Requirements for Specific Uses**

Temporary zoning permits may be issued for the following character of Temporary Uses, not otherwise permitted in a zoning district.

In addition to the requirements of Section 7.1.5, the following requirements shall be met for the following Temporary Uses.

- 3.5.1 A mobile home may be permitted in conjunction with the construction of a new dwelling unit, or the reconstruction or repair of an existing structure substantially damaged or destroyed by fire, lightning, wind or other Act of God. The mobile home shall be used by the immediate family and shall not be used as a rental unit. Such mobile home shall be permitted only after the following requirements are met:
- a. A Plot Plan shall be presented showing the shape, location and dimensions of the lot. The Plot Plan shall also show the shape, size and location of the buildings or structures already on the lot.
  - b. The Temporary Use shall be in compliance with all of the yard and applicable development standards of the district in which it is located.
  - c. When the mobile home is no longer occupied by the immediate family, such mobile home shall be removed from the site within thirty (30) days.

### **3.6 Uses Not Otherwise Included Within a Specific Use District:**

Because the uses hereinafter referred to possess unique characteristics making it impractical to include them in a specific use district classification, they may be permitted by the Township Trustees under the conditions specified, and after public hearing, and after a recommendation has been received from the zoning Commission. In every case, the uses hereinafter referred to shall be specifically prohibited from any Residential Districts, unless otherwise specified.

These uses require special considerations since they service an area larger than the Township or require sizable land areas, creating problems of control with reference to abutting use districts. Reference to those uses falling specifically within the intent of the Section is as follows:

- a. Commercial Television and Radio Towers and Public Utility Microwaves and Public Utility T.V. Transmitting Towers:

Radio and television towers, public utility microwaves and public utility T.V. transmitting towers, and their attendant facilities shall be permitted in AA and AM Districts provided said use shall be located centrally on a continuous parcel of not less than the height of the tower measured from the base of said tower to all points on each property line.

## CHAPTER 4. SUPPLEMENTARY REGULATIONS

### 4.1 Yard, Lot, Density, Coverage, Bulk and Height Requirements

No Zoning Certificate shall be issued for any construction, alteration, or change in a building, structure or the land use unless the following requirements are met in the districts indicated:

REQUIREMENT AND TYPE OF USE	DISTRICT						
	A	R-1	R-2	LB	GB	M	S
<b>Maximum Density for Dwelling Units Per Gross Acre:</b> Single-Family Dwellings Multiple-Family Dwellings	(a) -	4 -	8 8	8 15	8 15	- -	- -
<b>Minimum Lot Area in Thousands of Square Feet for Residential Lots:</b> All Residential Lots Additional Area Per Dwelling Units Over Two	87.120 -	12 -	9 2.5	6.5 2.5	6.5 2.5	- -	- -
<b>Minimum Lot Width of Lots in Feet:</b> All Residential Lots Additional Per Dwelling Units Over Two	200 -	80 -	60 10	50 10	40 10	- -	- -
<b>Maximum Percentage of Lot Coverage:</b> Residential Uses Non-Residential Uses	25 25	25 25	40 40	40 50	40 60	- 75	- 75
<b>Minimum Depth of Front Yards In Feet:</b> Residential and Agricultural Uses Non-Residential Uses	50 50	35 35	35 35	35 15	75 15	- 75	- 15
<b>Minimum Depth of Rear Yards In Feet:</b> Residential and Agricultural Uses Minimum Depth Entire Lot	25 125	25 125	25 125	25 125	25 125	- 125	- 125
<b>Minimum Width of Side Yards In Feet:</b> Residential and Agricultural Uses Commercial Uses Industrial and Other Uses	10 10 25	5 10 25	5 10 25	5 - 10	5 - 10	- - -	- - -
<b>Minimum Floor Area of Residential Uses in Square Feet - Single- Family:</b> Ground Floor Area Total Floor Area Per Unit	750 1,000	700 900	600 750	600 750	500 500	- -	- -
<b>Minimum Floor Area for Residential Uses in Square Feet - Multiple-Family:</b> Ground Floor Area Total Floor Area Per Unit	500 sq. ft. plus 100 sq. ft. per unit						
	-	-	500	500	500	-	-
<b>Maximum Height of Buildings and Structures In Feet:</b> All Uses	35	35	35	35	60	100	25

<b>Setback All State Highways (Minimum)</b> All Uses	60	60	60	60	60	60	60
<b>Commercial Use Adjacent AR<math>\cong</math> District</b>	-	-	-	15	15	15	-
<b>Industrial Use Adjacent AR<math>\cong</math> District</b>	-	-	-	-	-	25	-

**Footnote to Section 4.1:**

- (a) In AA Districts single-family dwellings are permitted on lots not less than two (2) acres in area, provided that from parcels under single ownership and control on April 26, 1997 not more than one (1) such dwelling shall be permitted for each thirty-five (35) acres contained in the original tract. Dwellings existing on such tracts shall count against the maximum number to be permitted, although an existing dwelling may be removed and replaced without a density penalty. Original tracts shall be construed to mean contiguous areas of acreage not divided by a public road or railroad. For the purpose of this standard, property being purchased under land contract on the effective date of this amendment shall be construed as being actually owned by the purchaser.

**4.2 Off-Street Parking and Loading Berths**

- 4.2.1 No Zoning Certificate shall be hereafter issued unless there is provided the following number of off-street parking spaces:

<b>USES</b>	<b>REQUIRED OFF-STREET PARKING SPACES</b>
Residential	1.5 - spaces per dwelling unit
Commercial	1 - space for each 200 sq. ft. of floor area
Industrial	1 - space per 3 employees
Churches & Theaters	1 - space for each 6 seats
Golf Courses	30 - spaces for each 9 holes
Hotels, Motels, Rooming Houses	1 - space per sleeping room
Mobile Home & Travel Trailer Parks	2 - spaces per camping or house site
Riding Stables	1 - space per 5,000 sq. ft. floor area

- 4.2.2 Parking spaces herein required shall be two hundred (200) square feet in area each; shall be within three hundred (300) feet of the premises served; shall not be in the front yard in Residential Districts; and shall be contiguous to the street.
- 4.2.3 Off-street loading berths shall be provided for each fifteen thousand (15,000) square

feet of commercial land use, or fraction thereof; and one (1) berth shall be provided for each forty thousand (40,000) square feet of industrial land use floor area or fraction thereof. Each loading berth shall be a minimum of twelve by forty-five feet (12' X 45') with minimum height clearance of fourteen (14) feet.

4.2.4 Parking and loading requirements shall be met for all additions or new construction begun after adoption of this Resolution.

**4.3 Signs**

4.3.1 Signs shall be set back from the street right-of-way by the following distances:

Area of Sign (sq. ft.)	Minimum Setback
5 or less	2 feet
5 - 14.9	10 feet
15 - 49.9	20 feet
50 - 99.9	30 feet
100 or more	60 feet

The area of the sign shall be determined by the area of the smallest circle, triangle, or rectangle that can be used to enclose the area of the sign containing the message.

4.3.2 No freestanding sign shall be closer than ten (10) feet from any side lot line.

4.3.3 One sign may be permitted for each five hundred (500) feet of street frontage; provided that the total number of signs does not exceed the maximum area allowed for each use in this section.

4.3.4 The maximum size of any sign in square feet shall be as follows:

TYPE OF SIGN	DISTRICT						
	A	R-1	R-2	LB	GB	M	S
SIGNS ON LOCATION OF USE							
Name Plate & Address	2	2	12	12	12	12	12
Business Use	-	-	-	12	60	60	2
Industrial Use	-	-	-	-	-	300	-

Real Estate Development	300	300	300	300	300	300	300
For Sale Sign	12	12	12	12	12	12	12
SIGNS NOT ON LOT	*	-	-	-	60	300	-

- May be permitted up to two hundred (200) feet from any residence except that of owner of lot on which sign is located.

#### 4.35 Sign size regulations

Signs erected for Home Business be a maximum of sixteen square feet.  
Signs erected for Home Occupation be a maximum of sixteen square feet.  
Signs erected for Non-Profit organizations be a maximum of twenty square feet.

#### 4.4 Frontage on a Public Thoroughfare

No lot or parcel shall be used for any purpose permitted by this Resolution unless such lot or parcel abuts a public thoroughfare, unless otherwise provided in this Resolution. At least thirty (30) feet shall be considered as minimum thoroughfare frontage for the purpose of enforcing this Section.

#### 4.5 Major Thoroughfare Right Of Way width

Road right of way width shall conform to at least the following minimum requirements:

- A. Major Thoroughfare – Right of way width of 120 feet or in conformance with the Hancock County Major Thoroughfare plan.
- B. Secondary Thoroughfare – Right of way width of 80 feet or in conformance with the Hancock County Major/Secondary Thoroughfare plan.

#### 4.6 Exterior Lighting

- 4.6.1 Illumination of signs shall be directed or shaded downward so as not to interfere with the vision of persons on the adjacent highways or adjacent property.
- 4.6.2 All illumination of signs and any other feature shall not be of a flashing, moving or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use.

#### 4.7 Drainage

In any District and in connection with any use or structure, the owner, lessee, or user shall provide drainage, as the zoning inspector shall prescribe. Insofar as possible, all surface waters and drainage shall be disposed of on the owner's lessee's or user's own property, and if not such waters shall be disposed of as not to adversely effect the neighboring or adjacent property.

### CHAPTER 5. NON-CONFORMING USES

## **5.1 Non-Conforming Buildings**

- 5.1.1 The lawful use of any building, which does not conform to these regulations, whether by original adoption or by subsequent amendment, may be continued after such adoption or amendment, under the conditions herein specified.
- 5.1.2 The addition to, enlargement or expansion of any such non-conforming building may be permitted provided such addition, enlargement or expansion complies with all height, area, parking, setback and other requirements of the district in which it is located, and that total aggregate floor area of such additions does not exceed twenty percent (20%) of the floor area in such building at the time it became non-conforming.
- 5.1.3 While it is the Township's intent to encourage all structures to comply with development standards presented herein, it is recognized that occasionally this is not practical. Therefore, in the event a nonconforming structure is removed, whether by fire, flood, calamity or the owner's action, it shall only be reconstructed in conformity with the standards of this Resolution; provided, however, that if the Board of Appeals finds that such replacement would result in practical difficulties unique to the property, the Board may permit a replacement structure to be located closer to rights-of-way or property lines than would otherwise be permitted for a completely new structure. In no event shall a replacement structure be allowed to be closer to property perimeters than the structure being replaced.
- 5.1.4 The use of a non-conforming building may be changed to a use of the same or more restricted classification but shall not thereafter be changed back to a less restrictive use.
- 5.1.5 A non-conforming building, or portion thereof, which is or hereafter remains vacant and unoccupied for a period of two (2) years or more, shall not thereafter be occupied except by a use which conforms to the use regulations of the district in which it is located.

## **5.2 Non-Conforming Use of the Land**

- 5.2.1 A non-conforming use of open land, not pertaining to agriculture, where no primary building is involved, may be continued for a period of five (5) years from the effective date of this Resolution or any subsequent amendment; after which time, said use shall be discontinued.
- 5.2.2 A non-conforming use of land referred to in 5.2.1 shall not be expanded or extend into any other part of the plot or adjoining property; nor shall the use be changed except to a conforming use.
- 5.2.3 A non-conforming use of land, where principal buildings are involved, shall not be expanded or extended into any other portion of the lot or any adjacent lot; and use

of such land that exists at the time of adoption of this Resolution and any subsequent amendment may be changed only as specified in Section 5.1; provided such change is due to a change in use of the principal building.

### **5.3 Non-Conforming as to Lot Area, Width and Depth**

- 5.3.1 Any lot of record, existing at the time of adoption of this Resolution, or any subsequent amendment, where the required lot area, width and depth do not meet the regulations herein, may be used for residential purposes; provided that yard, coverage and other requirements are met; and provided that any contiguous land in common ownership be required to be used to meet the district lot area, width and depth requirements and that no portion of such be transferred to other ownership, if such transfer reduces the lot below the minimum requirements set forth in this Resolution.

## **CHAPTER 6. BOARD OF ZONING APPEALS**

### **6.1 Creation of Board of Appeals**

There shall be created a Board of Zoning Appeals in accordance with Section 519.13 of the Ohio Revised Code.

### **6.2 Organization and Procedure**

The Board of Zoning Appeals shall organize and adopt rules for its own government as provided by Section 519.15 of the Ohio Revised Code; and in so doing shall elect a chairman at its organizational meeting, and during each January thereafter.

- 6.2.1 A quorum shall consist of three (3) members of the Board.

- 6.2.2 The concurring vote of at least three (3) members shall be required to reverse any order of the Administrative Officer, or to decide in favor of an applicant in any matter relating to the granting of a variance from these regulations.

### **6.3 Application for Variance**

Application for variance from these regulations, in cases when the Board has original jurisdiction, shall be made to the Administrative Officer, who shall transmit said application to the Chairman and Secretary of the Board within five (5) days after receipt.

- 6.3.1 **Variance** - The Board of Zoning Appeals may authorize, upon appeal, such variance from the terms of this 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.

- 6.3.2 A variance from the requirements of this Resolution shall not be authorized unless



the Board finds, beyond a reasonable doubt, that all the following facts and conditions exist:

- a. That there are exceptional or extraordinary circumstances which apply to the land or building in question and which are not applicable to other lands or buildings in the same zoning district.
- b. That the literal interpretation of the requirements of this Resolution would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.
- c. That the special conditions and circumstances do not result from the actions of the applicant;
- d. That granting the application will not adversely affect the public good or impair the intent and purpose of this Resolution.

#### **6.4 Conflicting Regulations**

Whenever any provision of this resolution imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or resolution, then the provisions of this resolution shall govern. Whenever the provisions of any other law or resolution impose more stringent requirements than are imposed or required by this resolution, then the provisions of such resolution shall govern.

#### **6.5 Appeals**

Appeals to the Board of Zoning Appeals may be taken by an aggrieved person or official of the Township affected by any decision of the Administrative Officer. Such appeals shall be made and decided upon in accordance with Section 519.15 of the Ohio Revised Code. After decision on the matter by the Board, which decision shall be made within thirty (30) days after the hearing, a certified copy of the Board's action shall be transmitted to all parties in interest.

#### **6.6 Powers of the Board of Appeals**

The Board shall have the powers given it by Section 519.14 of the Ohio Revised Code relating to the hearing and decision upon decisions of the Administrative Officer, and the granting of variances from these regulations. In performing said powers, the Board shall not take any action, which would constitute and be the same as amending regulations.

#### **6.7 Fees**

The Township Trustees may from time to time prescribe and amend by Resolution a

reasonable Schedule of Fees to be charged to applicants for appeals to the Board of Zoning Appeals, said fees to be for the purpose of defraying the costs of processing such appeals.

## **CHAPTER 7. ADMINISTRATION AND ENFORCEMENT**

### **7.1 Zoning Permit Required**

A Zoning Permit shall hereafter be required in accordance with Section 519.17 and Section 519.16 of the Ohio Revised Code.

#### **7.1.1 Application shall be made for a Zoning Permit on forms approved by the Board of Trustees and by supplying such information as prescribed by the Board of Trustees.**

The Administrative Officer shall require that all applications for Zoning Permits be accompanied by plans and specifications including a plot plan, in triplicate, drawn to scale, showing the following:

- a. The actual shape, location and dimensions of the lot.
- b. The shape, size and location of all buildings or other structures to be erected, altered or moved and of any building or other structures already on the lot.
- c. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
- d. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of the Resolution are being followed.

#### **7.1.2 Said application shall be made to the Administrative Officer; who shall approve or disapprove, giving reasons therefore, within ten (10) days after the filing of said application.**

#### **7.1.3 Fees for said Permits shall be established from time to time by the Board of Trustees.**

#### **7.1.4 Zoning Permits shall be in full force and effect for twelve (12) months after issuance. If premises are not used or work is not started within twelve (12) months, or when work has been abandoned for twelve (12) months, the permit shall lapse and cease to be in effect. Under extenuating circumstances, extensions of permits may be issued by the Administrative Officer after receiving a written request for such extension from the holder of a valid Permit. Extensions of permits may be for twelve (12) month periods, and will not involve additional fees.**

#### **7.1.5 Temporary Zoning Permits may be issued by the Township Administrative Officer for**

the uses permitted by Section 3.5 Temporary Uses. Such Temporary Permit shall be in full force and effect for fourteen (14) months after issuance. One eight (8) month extension may be granted by the Board of Zoning Appeals upon written request from the holder of a valid Temporary Zoning Permit. The Temporary Zoning Permit shall be authorized with the following conditions:

- a. The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary use is permitted.
- b. The granting of the temporary use shall be documented in writing stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of the Temporary Permit.

#### 7.1.6 **Compliance Certificates**

- a. Although buildings, structures and uses for agricultural purposes, public utility purposes, and essential service purposes are permitted in all use districts, it shall be unlawful to hereafter erect or enlarge such buildings or structures until such proposed work has been determined to comply with all requirements of this Resolution and a Compliance Certificate has been issued therefore.
- b. No Compliance Certificate shall be issued for a building, structure, land, or part thereof, which is not in accordance with the provisions of this Resolution, including required yards.
- b. A record of Compliance Certificates issued shall be kept on file in the office of the Administrative Officer, and copies shall be furnished, upon request, to any person having a proprietary or tenancy interest in the property involved.

7.2 **Enforcement** No construction, alteration, or change, other than normal maintenance, which affects any change in the use of land or building or regulations relating thereto, shall take place until a valid Zoning Permit has been issued.

7.2.1 The Board of Trustees, the Zoning Commission, the Administrative Officer, and the Zoning Board of Appeals, or their agents, shall enforce the regulations of this Resolution in accordance with applicable sections of the Ohio Revised Code pertaining thereto, and in particular, Sections 519.23 and 519.24 of the Ohio Revised Code.

7.2.2 Any permit issued upon false statement of material fact shall be revoked.

7.2.3 In case of violation of this Resolution, the responsible person shall be notified in writing; and if such person cannot be reached, notice of said violation shall be conspicuously posted on the premises where the violation has occurred.

#### 7.2.4 **Footer Inspection**

So that property owners can be protected from potential errors in the location of buildings, the Administrative Officer or his representative shall inspect the excavation for structural footers before any concrete is installed. It shall be the responsibility of the property owner to notify the Administrative Officer at least twenty-four (24) hours prior to pouring concrete, and to provide appropriate evidence of the location of lot lines. If an inspection has not been performed within twenty-four (24) hours of the Administrative Officer notice from the property owner, the inspection shall be considered approved and pouring of concrete may commence.

### **7.3 Penalties**

Violations of this Resolution, in accordance with Section 519.23 of the Ohio Revised Code, shall be considered a misdemeanor, and upon conviction thereof, the responsible person may be fined not more the One Hundred Dollars (\$100.00). Each day of violation may be considered a separate offense.

## **CHAPTER 8. AMENDMENTS**

Whenever the public necessity, convenience, general welfare or good zoning practice require, the Board of Trustees may by resolution, after receipt of recommendation thereon from the Zoning Commission, amend, supplement, or change the regulations, or district boundaries and classifications of property now and hereafter established by this Resolution.

### **8.1 Initiation of Amendments**

Amendments may be initiated by motion of the Board of Trustees or the Zoning Commission; or by filing of an application therefore by one (1) or more owners or lessees of property within the area proposed to be changed or affected by the proposed amendment.

### **8.2 Procedure**

Upon said motion or application, said proposed amendment shall be considered in accordance with Section 519.12 of the Ohio Revised Code.

### **8.3 Fees**

The Board of Trustees may, from time to time, by resolution, adopt fees for applications for amendment, said fees to be for the purpose of defraying the costs of processing said application for amendment.

## **CHAPTER 9. DEFINITIONS**

### **9.1 Definitions**

As used in this Resolution, the term(s):

- 9.1.1 **"Used for"** includes "designed for" and vice versa; used in the "present tense" includes the "future tense"; used in the "singular number" includes the "plural number" and vice versa; "building" includes "structure"; "dwelling" includes "residence"; "lot" includes "plot"; "shall" is mandatory; and "may" is permissive.
- 9.1.2 **ACCESSORY BUILDING** means a detached subordinate building that is located on the same lot as a principal building and not used or designed for human occupancy; and the use of which is clearly incidental to the use of the land or to the use of the principal building.
- 9.1.3 **ACCESSORY USE** means a use of land or buildings related to the primary use, which use is clearly subordinate to the principal use of the land or buildings, and which is not used for human occupancy.
- 9.1.4 **AIRPORT** means any landing area and all necessary appurtenances designed, used, or intended to be used for the landing and taking off of aircraft.
- 9.1.5 **ALLEY** means a right-of-way, other than a street, road, crosswalk, or easement that provides secondary access for the special accommodation of the abutting property.
- 9.1.6 **ALTERATION** means any change in the nature of the use of land and/or buildings; and includes any change in supporting member, beams, bearing walls, column or girders, which would tend to prolong the life of the building or use; but not including normal maintenance and repair.
- 9.1.7 **AUTOMOBILE SERVICE STATION** means any premises used for supplying gasoline or oil at retail direct to the motoring public; including minor accessories and services for automobiles conducted wholly within an enclosed building.
- 9.1.8 **BASEMENT** means a story partly or wholly underground, where no more than one-half the height of the story is above the average level of the adjoining ground.
- 9.1.9 **BOARD** means the Board of Zoning Appeals.
- 9.1.10 **BOARDING HOUSE** means a building, not available to transients, in which meals are regularly provided for compensation for at least three (3) but not more than thirty (30) persons.
- 9.1.11 **BUILDING AREA** means the horizontally projected area of the buildings on a lot, excluding terraces, unenclosed porches, other open areas, and architectural appurtenances that project not more than two (2) feet.
- 9.1.12 **BUILDING** means a roofed "structure" for the shelter, support, enclosure, or protection of persons, animals, or property; where each part of such a structure

that is separated from the rest by unbroken party walls is a separate building for the purposes of this Resolution.

- 9.1.13 **BUILDING HEIGHT** means the vertical distance measured from the average level of the finished grade at the front of the building to the highest point of a flat roof; to the declivity on a mansard roof or to the ridges of a gable, hip, or gambrel roof. This does not include chimney, water towers, cooling units, radio transmitters, silos, etc.
- 9.1.14 **BUILDING LINE** means the line that establishes the minimum permitted distance on a lot between the outside building wall and the lot line; also called the "setback"; provided that a second story or roof overhang may not project a distance of more than two (2) feet into the side yard.
- 9.1.15 **BUSINESS** means the use of lands or buildings for the purposes of purchase, sale or exchange of goods and services; for the purpose of maintaining offices, recreational or amusement enterprises for profit.
- 9.1.16 **COMMISSION** means the Zoning Commission of Portage Township, Hancock County, Ohio.
- 9.1.17 **CORNER LOT** means a lot abutting upon two (2) or more streets at their intersection, provided the angle at which the streets intersect does not exceed 135 degrees. In the case of a corner lot, the front lot lines shall be the lines abutting all streets. A corner lot shall only have one (1) side lot line. (Please refer to Figures).
- 9.1.18 **DETACHED BUILDING** means a building that has no structural connection with another building.
- 9.1.19 **DRIVE-IN** means an establishment selling foods, frozen desserts or beverages to consumers, the establishment being designed, used or intended to be used for the consumption of such items on the premises outside of the building in which they were prepared.
- 9.1.20 **DWELLING** means a building or part of a building that is used primarily as a place of abode, but not including a hotel, motel, lodging house, boarding house or tourist home.

Insert Drawing, Corner Lot

9.1.21 **DWELLING UNIT** means a dwelling, or part of a dwelling, used by one (1) family, exclusively, as a place of abode.

9.1.22 **FAMILY** means one (1) or more persons living as a single housekeeping unit, but not including an unrelated group of more than six (6) persons or a group occupying a hotel, motel, club, nurses' home, dormitory or fraternity or sorority house.

- 9.1.23 **FARM** means an area used for agricultural operations, including truck gardening, forestry, the operation of a tree or plant nursery, or the production of livestock and poultry.
- 9.1.24 **FRONT LINE** with respect to a building, means the foundation line that is nearest the front lot line.
- 9.1.25 **FRONT LOT LINE** means the line marking the boundary between the lot and the abutting street, easement for street purposes, lake, or watercourse; except that for a corner lot, means the line marking the boundary between the lot and the shorter of the abutting streets, easements for street purposes, lake or watercourse.
- 9.1.26 **FRONT YARD** means a yard that is bounded by the front line of the principle building, by the adjacent street right-of-way or easement line, and by the segments of the side lot lines that they intercept; except that on double frontage lots, one (1) such front yard may be used as a "rear yard" provided that, the minimum front building line in such case shall be complied with in placement of accessory buildings.
- 9.1.27 **GROUND FLOOR AREA** means the area of a building in square feet, as measured in a horizontal plane at the ground floor level within its largest outside dimension, exclusive of open porches, breezeways, terraces, garages, and exterior stairways.
- 9.1.28 **HOME OCCUPATION** means any occupational activity carried on exclusively by a member of an immediate family conducted entirely within the dwelling. Commodities can be sold and mechanical equipment used as long as the external effect does not adversely affect adjacent property. Home occupations shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes, and shall not change the structural character thereof. Home occupations are permitted one (1), non-illuminated sign not to exceed ten (10) square feet. All signs pertaining to home occupations shall be subject to approval by the Administrative Officer.



- 9.1.29 **HOME BUSINESS** means any occupational activity carried on exclusively by a member of an immediate family and conducted entirely on the premises. Commodities can be sold and mechanical equipment used as long as the external effect does not adversely affect adjacent property. Home businesses shall be clearly incidental and secondary to the use of the premises for dwelling purposes, and shall not change the structural character thereof. Home businesses are permitted one (1), non-illuminated sign not to exceed ten (10) square feet. All signs pertaining to home businesses are subject to approval by the Administrative Officer. Home businesses shall be permitted subject to conditions the Board of Zoning Appeals deems necessary for protection of the agricultural character of the surrounding area.
- 9.1.30 **JUNK MOTOR VEHICLE** is defined as a motor vehicle that meets all of the following criteria: 1) Apparently inoperable 2) Extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, or transmission.
- 9.1.30 **JUNK YARD** means land or buildings where waste or discarded used property and materials is accumulated and is or may be salvaged for reuse or resale; including but not limited to automobiles, farm equipment, mobile homes, travel trailers, trucks, and/or parts thereof.
- 9.1.31 **KENNEL** means a place primarily for keeping four (4) or more dogs, or other small animals that are ordinarily kept as pets and are at least four (4) months old.
- 9.1.32 **LODGING HOUSE** means a building, not available to transients, in which lodging is regularly provided for compensation for at least three (3) but not more than thirty (30) persons.
- 9.1.33 **LOT** means an area or contiguous areas, exclusive of streets and alleys and other public places, used as a unit and fifty percent (50%) of whose average lot width abuts a street.
- 9.1.34 **LOT COVERAGE or FLOOR AREA RATIOS (FAR)** means the area covered by buildings divided by the total lot area, exclusive of streets, alleys, and walkways, but including utility and other similar easements.
- 9.1.35 **LOT LINE** means the legal boundaries of the "lot", excluding streets, alleys, public watercourses, and other public spaces.
- 9.1.36 **LOT WIDTH** means the distance between the side lot lines measured at the building line.

- 9.1.37 **MANUFACTURED HOME** means a non-self-propelled building unit or assembly of closed construction fabricated in an off-site facility, and which conforms with the federal construction and safety standards established by the Secretary of Housing and Urban Development (HUD) pursuant to the AManufactured 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. A manufactured home is transportable in one (1) or more sections, which, in the traveling mode is eight (8) feet or more in width or forty (40) feet or more in length, or, when erected on site is three-hundred-twenty (320) or more square feet, and which is built on a permanent chassis, designed to be used as a dwelling with or without permanent foundation when connected to required utilities. Calculations used to determine the number of square feet in a manufactured unit is the number of square feet in the structure's exterior dimensions measured at the largest horizontal projection when erected on site. These dimensions include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows. (Reference: RC 4501.01) For the purposes of this definition, chassis means a steel frame specifically designed and constructed with wheels or running gear and towing tongue installed for transportation on public streets or highways and residential occupancy except for minor and incidental unpacking and assembly operations, including but not limited to positioning on an existing foundation and connection to utilities. The development standards of this Code are fully applicable.
- 9.1.38 **MOBILE HOME** means a non-self-propelled building unit or assembly of closed construction that is fabricated in an off-site facility, built on a permanent movable chassis which is eight (8) feet or more in width and more than thirty-five (35) feet in length, which when erected on a site is 320 or more square feet, that is transportable in one or more sections and which does not qualify as a manufactured home or industrialized unit.
- 9.1.39 **MOBILE HOME PARK** means an area of land on which two (2) or more mobile homes are regularly accommodated or intended for such use, with or without charge, including any buildings, other structures, fixtures, or equipment that is used or intended to be used in providing accommodation.
- 9.1.40 **NON-CONFORMING USE** means a use that exists at the time a provision of this Resolution is passed but does not comply with it.
- 9.1.41 **OPEN USE** means the use of a lot without buildings, or a use for which a building with a floor area no larger than five percent (5%) of the lot is only incidental.
- 9.1.42 **PERSON** means also a corporation, firm, partnership, association, organization, unit of government, or any other group that acts as a unit.
- 9.1.43 **PLANNED UNIT DEVELOPMENT** means an area of land, in which a variety of housing types and/or related commercial and industrial facilities are

accommodated in a preplanned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions contained herein. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles, and landscaping plans.

- 9.1.44 **PRINCIPAL BUILDING** means the building in which the principal use of the lot on which it is located is conducted, including a building that is attached to such a building in a substantial way, such as by a roof and walls.
- 9.1.45 **PRIVATE GARAGE** means a garage whose principal use is to house motor vehicles for the accommodation of related dwelling units or related business establishments, located on the same lot as the principal use.
- 9.1.46 **PRIVATE SCHOOL** means a school other than a public school.
- 9.1.47 **PROFESSIONAL OFFICE** means an office used by members and the necessary personnel of a recognized profession such as architects, dentists, engineers, lawyers, physicians, surgeons, realty agents, insurance agents, and brokers.
- 9.1.48 **OBSCURING WALL** means a structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this resolution. Height and materials must be acceptable to zoning inspector and/or board of zoning appeals board.
- 9.1.48 **OVERNIGHT CAMP** means an area of land used or designed to be used to accommodate two (2) or more tents, travel trailers or other camping outfits for not longer than seventy-two (72) hours per camping party per two (2) week period; but not including mobile homes.
- 9.1.49 **PUBLIC GARAGE** means a garage, other than a private garage, whose services are available to members of the public or to persons occupying a hotel, club or similar facility.
- 9.1.50 **REAR LOT LINE** means a line parallel to and farthest from the front lot line, being at least ten (10) feet long and lying wholly within the lot.
- 9.1.51 **REAR YARD** means a yard that extends across the full width of the lot and is bounded on the rear by the rear lot line, and the depth of which is the least distance from the rear lot line and the rear of the principal building.
- 9.1.52 **SETBACK** For the purpose of this resolution, the distance required to obtain conformity with the yard open-space requirements here of shall be measured from proposed street right-of-widths, as reflected in the latest Hancock County Thoroughfare Plan, where such rights-of-way exceed existing platted or dedicated rights-of-way.
- 9.1.52 **SIDE LOT LINE** means a lot boundary line other than a front or rear lot line.

- 9.1.53 **SIDE YARD** means a yard, between the principal building and the adjacent lot line, that extends from the front yard, or street right-of-way where there is no front yard, to the rear yard, and width of which is the least distance between the side lot line and the adjacent side of the building.
- 9.1.54 **SIGN** means visual devices or structures used for advertising, display, direction or publicity purposes.
- 9.1.55 **STREET** means a right-of-way that is established by record to provide the principal means of access to abutting property.
- 9.1.56 **STRUCTURE** means anything constructed or erected that requires location on or in the ground or attachment to something having a location on or in the ground.
- 9.1.57 **STRUCTURAL CHANGE** means a substantial change in a supporting member of a building, such as a bearing wall or partition, column, beam, or girder, or in an exterior wall or the roof.
- 9.1.58 **THROUGH LOT** means a lot fronting on two (2) parallel or approximately parallel streets and includes lots fronting on both a street and a watercourse or lake.
- 9.1.59 **TRAVEL TRAILER PARK** means an area of land on which two (2) or more travel trailers are regularly accommodated with or without charge, including any buildings, structures, or fixtures or equipment that is used or intended to be used in connection with providing such accommodations.
- 9.1.60 **TRAVEL TRAILER** means a vehicle or other portable structure twenty feet (20') or less in length that is designed to move on the highway and designed or used as a temporary dwelling.
- 9.1.61 **USE** means the employment or occupation of a building, structure, or land for a person's service, benefit or enjoyment.
- 9.1.62 **VETERINARY CLINIC** means a place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation and/or recuperation.
- 9.1.63 **YARD** means a space on the same lot with a principal building that is open and unobstructed, except as otherwise specified by this Resolution.

## **CHAPTER 10. EFFECTIVE DATE AND VALIDITY**

### **10.1 Validity**

If any section, paragraph, subdivision, clause, sentence or provision of this Resolution shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect the remainder of this Resolution.

### **10.2 Effective Date**

This Resolution shall be in full force and effective from and after its passage as provided by law.