

PART ONE
AUTHORIZATION AND GENERAL PROVISIONS

ARTICLE I

AUTHORIZATION AND PURPOSE

Section 1.01 Title

This Resolution shall be known and may be cited as the :

**ZONING RESOLUTION of
MADISON TOWNSHIP, PICKAWAY COUNTY, OHIO**

Unless otherwise provided herein or by the law or implication required, the same rules of construction, definition and application shall govern the interpretation of this Resolution as those governing the interpretation of the Ohio Revised Code.

Section 1.02 Purpose

The Board of Township Trustees hereby find it necessary, and beneficial to the residents of Madison Township to provide for the division of the unincorporated area of the Township into districts or zones. This Zoning Resolution is adopted to promote and protect the public health, safety, and general welfare by the following:

- regulating the use of land areas and the construction, restoration and/or alteration of buildings and uses therein
- restricting the area dimensions of land, yards and open spaces so as to secure adequate light, air and safety from fire and other dangers
- controlling the bulk, height, density, and location of buildings
- protecting and preserving existing natural resources.
- assuring the orderly growth and development of lands,

all as permitted by the provisions of Chapter 519 of the Ohio Revised Code.

Section 1.03 Applicability and Limitations

Subject to the limitations specified in Section 519.211 of the Ohio Revised Code, the regulations set forth in this Zoning Resolution shall be applicable to all buildings, structures, uses and lands of any private individual or entity, or any political subdivision, district taxing unit or bond-issuing authority, located within the unincorporated area of Madison Township, Pickaway County, Ohio.

Section 1.04 Interpretation and Consistency

The provisions of this Resolution shall be held to be as the minimum requirements, and shall apply uniformly to each class or kind of building, structure or land. Where the provisions of this Resolution impose greater restrictions upon buildings, structures, uses or land, than required by other codes, laws, ordinances, or

restrictive covenants running with the land, the regulations of this Resolution shall govern. Conversely, these regulations shall not be deemed or construed to repeal, amend, modify, alter or change any other law, resolution or regulation of Madison Township, or part thereof, not specifically repealed, amended, modified, altered or changed herein.

Section 1.05 Limitations and Exceptions

Pursuant to Section 519.21 of the Ohio Revised Code (ORC), the zoning authority of Madison Township shall be limited as follows:

- A. Except as otherwise provided in this Resolution, nothing contained herein shall prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, and no zoning certificate shall be required for any such use, building or structure.
- B. Nothing contained in this Resolution shall prevent the location, erection, construction, reconstruction, change alteration, maintenance, removal, use or enlargement of any building or structure of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad for operation of its business.
- C. Nothing contained in this Resolution shall be interpreted to prohibit the sale or use of alcoholic beverages in areas where the establishment and operation of any retail business, hotel, lunchroom, or restaurant is permitted.
- D. Nothing contained in this Resolution shall be interpreted to prohibit the use of any land owned or leased by an industrial firm for the conduct of oil or natural gas well drilling or production activities or location of associated facilities or equipment when such oil or natural gas obtained by the industrial firm is used for the operation of its own plants.

Section 1.06 Relationship to Private Covenants and/or Restrictions

The standards and requirements of this Resolution are separate and independent from any private covenants, deed restrictions or other private contractual arrangements relating to the development of land within Madison Township. Madison Township is in no way responsible for the enforcement of such private covenants or restrictions, and nothing in this Resolution shall be interpreted to imply any such responsibility.

Section 1.07 Separability

The invalidation of any clause, sentence, paragraph, or section of this Resolution by a court of competent jurisdiction shall not affect the validity of the remainder of this Resolution either in whole or in part.

ARTICLE II

DEFINITIONS

Section 2.01 Interpretation

For the purpose of this Zoning Resolution, certain terms and words are to be defined as found in this Article. Words and terms not specifically defined carry their customarily understood meanings. Words used in the present tense include the future tense. The singular form shall include plural and plural shall include singular. The word “shall” is intended to be mandatory. “Occupied” or “used” shall be considered as though followed by the words “or intended, arranged or designed to be used or occupied”.

Particular terms directly related to particular topics may be defined within the specific sections of the Resolution where those general requirements are found.

Section 2.02 Definitions

“**Accessory use**” means a use subordinate, secondary, incidental to, and customary in connection with the principal building or use and located on the same lot as the principal building or use.

“**Accessory building**” or “**accessory structure**” means a building or structure occupied by an accessory use.

“**Administrative and business offices**” means offices which carry on no retail trade with the public and maintain no stock of goods for sale to customers.

“**Agricultural use**” means the same as stated in Section 519.01 of the Ohio Revised Code, as may be amended, to include farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including but not limited to the care and raising of livestock, equine and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

“**Building**” means a structure with one (1) or more floors and a roof supported by columns or walls, used or intended to be used for shelter or enclosure of persons, animals and/or property.

“**Height of building**” means the vertical distance from the average grade surrounding the building to the highest point of the roof.

“Building line” means the front yard setback line established by this Zoning Resolution, generally parallel with and measured perpendicularly from the front lot line, defining the limits of a front yard in which no building or structure may be located.

“Business services” means any profit-making activity which renders services primarily to other commercial, institutional, or industrial enterprises, or which services and repairs appliances and machines used in other businesses.

“Cemetery” means land used or intended to be used for the burial of human dead.

“Clinic, Human” means an establishment where patients who are not lodged overnight are admitted for examination and/or treatment by a physician or group of physicians.

“Conditional use” means an uncommon or infrequent use which may be permitted in specific zoning districts subject to compliance with certain standards, explicit conditions, and the granting of a conditional use permit as specified in Article IX of this Resolution.

“Development” means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

“District” means a part, portion, zone or geographic area within Madison Township within which certain development standards, as delineated by this Resolution, apply.

“Dwelling” or **“residence”** means any building or portion thereof which is designed or used for residential purposes, but not including a cabin, hotel, motel, rooming house, or other such accommodation used for transient occupancy.

“Single family dwelling” or **“single family residence”** means a building designed for or occupied exclusively by one family.

“Two-family dwelling” or **“two-family residence”** means a building designed for or occupied exclusively by two families living independently.

“Multiple-family dwelling” or **“multiple-family residence”** means a building designed or used as a residence for three or more families living independently and doing their own cooking therein.

“Family” means a person living alone, or any of the following groups living together as a single housekeeping unit and using common living, sleeping, cooking and eating facilities:

1. Any number of persons related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship;
2. five (5) or fewer unrelated persons;

3. Two (2) unrelated persons and any children of those persons.

The definition of “family” shall not include:

1. Any society, club, fraternity, sorority, association, lodge, combine, federation, or like organization;
2. Any group of individuals whose association is temporary or seasonal in nature;
3. Residents of a “**group residential facility**” as defined in this Resolution.

“**Federal Emergency Management Agency (FEMA)**” means the agency with the overall responsibility for administering the National Flood Insurance Program, including the local Pickaway County Flood Plain Administrator.

“**Flood**” or “**flooding**” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters and/or
2. The unusual and rapid accumulation of runoff of surface waters from any source.

“**Flood Insurance Rate Map (FIRM)**” means an official map on which the Federal Emergency Management Agency has delineated the areas of special flood hazards within Madison Township and/or Pickaway County

“**Floodway**” means the channel of a creek, stream or other watercourse and the adjacent lands that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

“**Floor area**” of a building means the sum of the gross horizontal areas of the building floors, measured from the exterior faces of exterior walls. Floor area shall not include basements, elevator and stair bulkheads, unfinished attic spaces, terraces, breezeways, open porches, uncovered steps, or garages.

“**Frontage**” or “**lot frontage**” means the distance of that portion of the lot that directly abuts the street, and has direct access thereto.

“**Group Residential Facility**” means a community facility, licensed and/or authorized by the State of Ohio, which provides rehabilitative services in a residential setting. There are two (2) classes of group residential facilities:

“**Class I group residential facility**” means any state, federal or locally approved dwelling or place used as a foster home for children or adults (not including nursing homes) or as a place for the care or rehabilitation of dependent or predelinquent children, for the physically handicapped or disabled, or for those with mental illness or developmental disabilities. A Class I Type A facility contains more than five (5) residents, exclusive of staff. A Class I Type B facility contains five (5) or fewer residents, exclusive of staff.

"Class II group residential facility" means any state, federal or locally approved dwelling or place used as a home for juvenile offenders; a halfway house providing residential care or rehabilitation for adult offenders in lieu of institutional sentencing; a halfway house providing residence for persons leaving correctional institutions; and residential rehabilitation centers for alcohol and/or drug abusers, provided that detoxification is expressly prohibited on such premises. A Class II Type A group residential facility contains more than five (5) residents, exclusive of staff. A Class II Type B facility contains five (5) or fewer residents, exclusive of staff.

"Home occupation" means any occupation or profession conducted primarily by immediate resident family members, which is clearly incidental and secondary to the dwelling's residential use. A home occupation must meet the standards and requirements specified in Section 24.02 of this Resolution.

"Hospital" means a building or structure containing beds for at least four (4) patients allowing for overnight or continuous care, diagnosis and treatment of human ailments.

"Junk Motor Vehicle", as per Section 505.173(E) of the Ohio Revised Code (ORC) as may be subsequently amended, means a motor vehicle, including a collector's vehicle, that meets all of the following criteria:

1. Three (3) years old or older
2. Apparently inoperable
3. Extensively damaged, including, but not limited to, any of the following: Missing wheels, tires, engine and/or transmission.

"Lot" means a division of land separated from other divisions for purposes of sale, lease, or separate use, described on recorded subdivision plat, recorded map or by metes and bound, and includes the terms "plat" and "parcel".

"Corner lot" means any lot at the junction of and abutting on two (2) or more intersecting streets, where the angle of intersection is not more than 135 degrees.

"Lot coverage" means the ratio of enclosed ground floor area of all buildings and/or pavement areas on a lot to the horizontally projected area of the lot, expressed as a percentage.

"Rear lot line" means that lot line which is opposite and furthest removed from the front lot line. In the case of a corner lot, the rear lot line is opposite and furthest removed from the front lot line of least dimension.

"Side lot line" means the lot line running from the front lot line to the rear lot line. This line is also the line dividing two (2) interior lots.

“Lot of record” means any lot which individually or as a part of a subdivision has been recorded in the Office of the Recorder, Pickaway County, Ohio, as of the effective date of this Resolution.

“Minimum area of lot” means the area of a lot computed exclusive of any portion of the right-of-way or any public thoroughfare.

“Lot width” is the width of a lot as measured along the front lot line that abuts a publicly dedicated and improved thoroughfare, and must be maintained through the minimum front yard depth.

“Manufactured Home” shall mean 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 has a label or tag permanently affixed to it certifying compliance with all applicable federal construction and safety standards.

“Manufactured Home Community” shall mean a development constructed primarily for manufactured homes, with continuing local general management and with special facilities for common use by occupants, including such items as common recreational buildings and/or common open space.

“Manufactured Home Subdivision” shall mean a development constructed primarily for manufactured homes, in which each lot in the development is independently owned by the respective owners of the dwelling units located on such lots.

“Modular Home” means a non-site-built home that is certified as meeting the requirements of the State of Ohio Building Code for *modular housing*. For the purposes of this Resolution, once certified by the State of Ohio, modular homes shall be subject to the same standards as site-built homes

“Mobile Home” shall mean a transportable, non-site-built dwelling unit designed to be used as a year-round residential dwelling, and built prior to the *Federal Manufactured Housing Construction and Safety Standards Act of 1974*, which became effective June 15, 1976. Because mobile homes, as herein defined, were not constructed to accepted standards, such mobile homes shall not be considered as a permitted or conditional use in any zoning district.

“Nonconforming use” means the use of land or a building, or a portion thereof, which does not conform with the use regulations of the district in which it is situated, which use was lawful prior to the enactment of this Zoning Resolution.

“Nursery” or **“Day care center”** means a facility which temporarily assumes responsibility for more than four (4) children other than those related to the resident of the premises. Such responsibility shall consist of administering to the needs of those children during any part of a twenty-four hour day for a period of two (2) consecutive days.

“Nursing home” includes convalescent and extended care facilities; an establishment which specializes in providing necessary care, shelter and nursing services and services to those unable to be responsible for themselves.

"Outdoor shooting range" means an outdoor facility operated for the purpose of shooting with firearms or archery equipment, whether publicly or privately owned and whether or not operated for profit, and designed to encompass shooting stations and/or firing lines, target areas, berms and baffles and other components, as the primary use of the property. Such facilities may include, but are not limited to, commercial bird shooting preserves and wild animal hunting preserves.

“Off-street parking space” means any parking space located wholly off any street, alley, or sidewalk, either in an enclosed building or on an open lot and where each parking space conforms to the standards as specified in this Resolution.

“Permanent foundation” means a permanent masonry, concrete or locally approved footing or foundation that adequately transfers horizontal and vertical loads of the structure to the undisturbed ground below the frost line.

“Permanently-sited manufactured home” shall mean a manufactured home that meets all of the following criteria:

1. the structure is affixed to a permanent foundation as defined above and is connected to appropriate facilities, and
2. the structure, excluding any additions, has a width of at least twenty-two (22) feet at one point, a length of twenty-two (22) feet at one point, and a total living area of at least 900 square feet, excluding garages, porches and/or attachments, and
3. the structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six-inch minimum eave overhang, including appropriate guttering, and
4. the structure was manufactured after January 1, 1995, and
5. the structure is not located in a manufactured home community.

“Person” means any individual, corporation, company, business, partnership, association or legal entity.

“Personal services” means any enterprise, conducted for gain, which primarily offers services to the general public such as shoe repair, watch repair, retail dry cleaning, barber and beauty shops, and related activities.

“Portable storage structure” means a transportable storage structure that is designed and used primarily for the storage of household goods, personal items and other materials for use on a limited basis on residential property.

“Professional offices” means the offices which engage in the providing to the general public services of a professional nature such as legal, medical, accounting, and architectural services.

“Recreational facilities” means public or privately-operated uses such as country clubs, golf courses, swimming pools, or other areas maintained for the purpose of providing active and passive recreation.

“Restaurant” means a business establishment where food and beverages are prepared and presented for human consumption on the premises.

“Retail store” means a store primarily engaged in selling merchandise for personal or household consumption and in rendering services incidental to the sale of goods.

“Right-of-way” means a strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features required by the topography or treatment such as grade separation, landscaped areas, viaducts and bridges.

“Similar use” means a use not specifically listed in any of the permitted building or use classifications of any district, but which may be found analogous and added to the classification, according to the procedures and requirements of Section 11.02.05 of this Resolution.

“Street”, "road" or “thoroughfare” means a public way for the purpose of vehicular travel, including the entire area within the right-of-way.

“Structure” means anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground, including among other things walls, buildings, and patios. “Structure” does not include fences, but shall include mobile or manufactured buildings and portable storage structures.

“Structural alteration” means any change which would replace or tend to prolong the life of a supporting member of a structure, such as bearing walls, columns, beams, or girders.

"Township" means Madison Township, Pickaway County, Ohio.

“Use” means the purpose for which a building is arranged, designed, or intended, or for which either land, lot, piece or parcel thereof or a building located thereon or may be occupied or maintained.

“Variance” means a modification from the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of action by the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

“Yard” means a required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general level of the graded lot upward.

“Front yard” means that portion of a lot extending across the front of the lot between the side lot lines and being the minimum horizontal distance between the street right-of-way and the front of the building or structure.

“Rear yard” means that portion of a lot extending across the rear of the lot between the side lot lines and being the required minimum horizontal distance between the rear lot line and the rear of the building or structure.

“Side yard” means that portion of a lot that is located between the side lot line and the nearest building or structure.

“Zoning certificate” or **“Zoning permit”** means an official statement certifying that a proposed building or use complies with all the provisions of this Zoning Resolution.

“Zoning District” means a portion of the Township within which certain regulations and requirements or various combinations thereof apply under the provisions of this Zoning Resolution.

“Zoning District Map” or **“Zoning Map”** means the map of the Township showing the locations of established zoning districts, together with all amendments subsequently adopted by the Township Trustees, and established pursuant to Section 12.02 of this Resolution.

“Zoning Inspector” means the enforcement officer, hired by the Board of Township Trustees, who is charged with enforcing the provisions of this Zoning Resolution.