

ARTICLE I

GENERAL PROVISIONS, DEFINITIONS & RESOURCES

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Section 1. PURPOSE

Be it resolved by the Board of Trustees of Middleton Township, Wood County, State of Ohio, that for the purpose of promoting public health, safety, convenience, comfort, prosperity, and general welfare, all in accordance with a comprehensive plan, the Board of Trustees of this Township finds it necessary and advisable to regulate the location, size, and use of buildings and other structures, including tents, cabins, and trailer coaches; percentages of lot areas which may be occupied; setback building lines; sizes of yards, courts and other open spaces; and the uses of land for trade, industry, residences, recreation or other purposes and for such purposes, divides into districts or zones the unincorporated area of the Township, all as shown on the District Map on file in the office of the Board of Trustees.

Further purposes of this resolution shall be to:

1. Conserve and protect property and property values;
2. Secure the most appropriate use of land;
3. Facilitate adequate but economical provision of public improvements;
4. Facilitate the provisions of water, sewerage, schools, and other public requirements; and
5. Lessen or avoid congestion in public streets and highways.

Section 2. TITLE

This Resolution shall be known as the Zoning Resolution for Middleton Township, Wood County, Ohio. The Zoning Resolution for District 1 of Middleton Township, Wood County, Ohio approved November 5, 1957 and as amended subsequent thereto, and the Zoning Resolution for District 2 of Middleton Township, Wood County Ohio, approved on November 3, 1959, and as amended subsequent thereto, were amended into a single Zoning Resolution in 1962, and further amended in 1962, 1982, 1994, 2001, 2004, and 2010.

Section 3. INTERPRETATION, PURPOSE AND CONFLICT

In interpreting and applying the provisions of this Resolution, they shall be held to be the minimum requirements for the purpose of promoting public health, safety, convenience, comfort, prosperity, and general welfare. It is not intended by this Resolution to interfere with or abrogate or annul any resolution, rules, regulations or permits previously adopted or issued, and not in conflict with any of the provisions of this Resolution, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises and likewise not in conflict with this Resolution; nor is it intended by this Resolution to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this Resolution imposes a greater restriction upon the use of buildings or premises or upon height of buildings or requires larger open spaces or larger lot areas than are imposed or required by such other resolutions or agreements, the provisions of this Resolution shall control.

Section 4. VALIDITY

Should any section or provision of this Resolution be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Resolution as a whole or any part thereof, other than the part so declared to be invalid.

Section 5. EFFECTIVE DATE

This Resolution shall become effective from and after its passage and approval, as provided by law.

Section 6. DEFINITIONS

For the purpose of the Resolution, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure" and the word "shall" is mandatory and not directory.

- Accessory Structures: Structures such as sheds, storage sheds, pool houses, unattached garages, and barns.
- Accessory Use: An accessory use or building is a subordinate use or building customarily incident to the main use or building located on the same lot.
- Agriculture: Any agricultural use, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and animal and poultry husbandry pursuant to ORC 519.01.
- Alley: A way, which affords only a secondary means of access to property, abutting hereon.
- Alternative Energy: Energy, such as wind or solar energy that can replace or supplement fossil-fuel sources, such as coal, oil, and natural gas.
- Anemometer: An instrument that measures the force and direction of the wind.
- Animal Husbandry: The branch of agriculture concerned with the boarding, breeding, raising, and care of livestock, equine (including riding stables, horse-related events and rodeo), and kenneling of fur-bearing animals (including dogs). Animal husbandry does not include the commercial boarding of wildlife or exotic animals, or the keeping of domesticated pets.
- Apartment: A room or suite of rooms intended, designed, or used as a residence by a single family.
- Apartment Hotel: A building designed for or containing both apartments and individual guest rooms or suites of rooms and apartments and in which may be furnished services ordinarily furnished by hotels.
- Apartment House: See Dwelling, Multiple.
- Awning: A canopy or roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window.
- Banner: A fabric or other non-rigid material that is not enclosed in a structural frame that is erected for the purpose of attracting the public's attention.
- Base of Building: The location along a building wall that comes in contact with the ground
- Basement: A story partially or wholly underground. For purposes or height measurement, a basement shall be counted as a story where more than one-half of its height is above the average level of the adjoining yard.
- Bed and Breakfast Inn: An owner-occupied, single-family residential dwelling in which rooms are rented in one (1) stated price.
- Billboard: Any sign containing a message that pertains to a person, product or service that is not available at the parcel on which the sign is located.
- Board: Board of Zoning Appeals, Middleton Township, Wood County, Ohio.
- Boarder or Roomer: A person who occupies a bedroom or room as a lodging unit within a dwelling unit, boardinghouse, rooming house, or lodging house on a long-term residential basis for a consideration and where meals may be provided to a boarder, but not a roomer, by the owner or operator.
- Boarding House or Rooming House: A single-family dwelling where rooms for lodging are provided by arrangement on a long-term residential basis for three (3) or more persons, but not exceeding twenty (20) persons, for compensation. A boarding house offers meals prepared and served to guests only from one common kitchen facility, while a rooming house does not provide meals.

- **Building:** Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels or property.
- **Building Accessory:** A subordinate building or portion of the main building on the lot, the use of which is customarily incidental to that of the main or principal building, no part of which accessory building may be devoted to human occupancy either before or after the erection of the principal building.
- **Building Footprint:** The exterior outline of a structure where it meets the earth.
- **Building Frontage:** The linear portion of a building facing an adjacent street or common parking area.
- **Building Projection:** An above-ground extension of a building or structure into the yard area of a lot. Common projections include signs, eaves, sills, belt courses, cornices, and ornamental features of a structure.
- **Building Setback:** The minimum distance by which any building or structure footprint must be separated from a street right-of-way lot line or pavement edge, whichever is more restrictive. Also see Drainage Ditch Setback.
- **Building, Front Line of:** The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches, whether enclosed or unenclosed, but does not include steps.
- **Building, Height of:** The vertical distance measured from the adjoining curb grade to the highest point of the roof, provided that where buildings are set back from the street line the height of the building may be measured from the average elevation of the finished grade along the front of the building. In any event, no structure excluding accessory projections such as chimney, television antenna, towers etc. shall exceed the maximum permitted height for the district which it is located. *See graphic at the end of these definitions.*
- **Building, Principal:** A building in which is conducted the main or principal use of the lot on which said building is situated.
- **Cellar:** A story partly underground and having more than one-half of its clear height below the average level of the adjoining ground. A cellar shall not be considered a story for purposes of height measurement in determining the permissible number of stories.
- **Child Day Care:** Administering to the needs of infants, toddlers, pre-school and school children outside of school hours by persons other than parents, guardians, custodians or relatives by blood, marriage or adoption for any part of a twenty-four (24) hour day in a place of residence other than the child's own home. (ORC 5104.01) types of facilities are outlined below.
 - **Day Care Center**
Any place that provides child day care to thirteen (13) or more children, with or without compensation, or any place that is not the permanent residence of the licensee or administrator that provides day care for seven-to-twelve (7-12) children, with or without compensation.
 - **Type A Family Day Care Home**
The permanent residence of the administrator in which day care service is provided for seven-to-twelve (7-12) children or four-to-twelve (4-12) children if four (4) or more children are under two (2) years of age. In the process of counting children, any child under six (6) years of age related to administrator, licensee or employee shall be counted.
 - **Type B Family Day Care Home**
The permanent residence of the care provider in which day care service is provided for one-to-six (1-6) children if no more than three (3) children are under two (2) years of age at any one time.

- Clear Fall Zone: An area surrounding the wind turbine unit into which the turbine and/or turbine components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition causing turbine failure that shall remain unobstructed and confined within the property lines of the primary parcel where the turbine is located at, the purpose being that if the turbine should fall or otherwise become damaged, the falling structure will be confined to the primary parcel and will not fall onto dwellings, any habitable structures, and will not intrude onto a neighboring property.
- Clinic: An establishment where patients who are not lodged overnight are admitted for examination and treatment by one or more physicians.
- Club: A building or portion thereof or premises owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.
- Commercial Vehicles: Any vehicles or trailer licensed and registered as a commercial vehicle or trailer with a gross weight of over ten thousand (10,000) pounds and used for a business or commercial purpose but not for transportation-for-hire.
- Commission: The Zoning Commission of Middleton Township, Wood County, Ohio.
- Cowling: A streamlined removable metal housing that covers the turbine's nacelle.
- Cutoff: The point at which all light rays emitted by a lamp, light source, or luminaire is completely eliminated (cut off) at a specific angle above the ground.
- Cutoff Angle: The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source, above which no light is emitted.
- Cut-off Type Luminaire: A unit of illumination with elements such as shield, reflectors, or refractor panels that direct and cut off the light at a cutoff angle less than 90 degrees.
- Decibel: A unit of relative loudness equal to ten times the common logarithm of the ratio of two readings. For sound, the decibel scale runs from zero for the least perceptible sound to 130 for sound that causes pain.
- Deck: A structure constructed of any building material and that may or may not have railings or access to the ground but does not contain walls or a roof, and has a surface area greater than thirty-six square feet, and has a height greater than six inches measured from any point of the deck surface to the surrounding grade level. Structures constructed solely to provide handicap access directly to a dwelling shall not be defined as a Deck. A dock leading to a pond shall not be considered to be a deck.
- Development Permit: See Special Flood Hazard Area Development Permit.
- Domestic Pets: Any animal customarily kept by humans for companionship, including but not limited to dogs, cats, birds, rabbits, hamsters, mice, turtles, and the like.
- Domesticated Pet: The keeping of a few small animals, such as dogs and cats, that through long association with humans have been either tamed or bred resulting in genetic changes affecting the temperament and conformation attributes of the species to a degree that makes them different from non-domesticated animals of their kind and which live in intimate association with and for the pleasure or advantage of people. This definition does not include animal husbandry, wildlife, or an exotic animal.
- Dwellings: Any building or portion thereof which is designed for or used for residential purposes.
- Dwelling, Multiple: A building used or designed as a residence for three (3) or more families living independently of each other and doing their own cooking therein, including apartment houses, apartment hotels, flats and group houses.
- Dwelling, Single-Family: A building designed for or occupied exclusively by one (1) family.
- Dwelling, Two-Family: A building designed for or occupied exclusively by two (2) families.

- **Essential Services:** The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, or underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings other than structures for mainly enclosing essential services described herein.
- **Family:** One or more persons related by blood, marriage or adoption, living together in one dwelling unit including domestic servants, gratuitous guests, plus no more than two additional persons not related by blood, marriage or adoption, except special care inhabitants.
- **Farm Market:** A location where a producer offers fruits, vegetables, and other items for sale where fifty per cent or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year.
- **Fence:** A structure used as an enclosure, barrier, privacy screening, confinement or for decorative purposes. Does not include hedges, shrubs, trees, or other natural growth unless supported by a trellis or other structure erected to satisfy the intent of this definition.
- **Fence Height:** The distance from the ground directly below the fence to the fence's highest point. When a fence is constructed on a mound, or where the ground under the fence or wall has been raised to a higher level than the surrounding surface, the permissible height of the fence shall be reduced by the height of such mound or raised surface.
- **Fence, Temporary:** A fence erected for a specific function and for a limited time such as snow fences or construction fences.
- **Filling Station:** Any building, structure or land used for the dispensing, sale or offering for sale at retail of any automobile fuels, oils or accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories but not including major repair work, such as motor replacement, body and fender repair or spray painting.
- **Fluorescent Color:** A colorant that absorbs light energy and reradiates the energy at visible wavelengths producing a reflectance value over 100%.
- **Frontage:** All the property on one side of a street between two intersection streets (crossing or terminating), measured along the line of the street or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.
- **Garage, Private:** An accessory building designed or used for the storage of motor-driven vehicles owned and used by the occupants of the building to which it is accessory. Not more than one (1) of the vehicles may be a commercial vehicle or not more than two (2) ton capacity.
- **Garage, Public:** A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling or storing motor-driven vehicles.
- **Glare:** Light emitting from a luminary with intensity great enough to reduce a viewer's ability to see and in extreme cases, causing momentary blindness.
- **Grade:** The average of the ground level at the center of all exterior walls of a building. In the case walls are parallel to and within ten (10) feet of a sidewalk, the grade shall be the level of the sidewalk.
- **Gross Floor Area (GFA):** The total floor area, including the exterior building walls, of all floors of a building or structure.
- **Gross Leasable Area (GLA):** The gross floor area that is available for leasing to a tenant. Generally, GLA is GFA minus the floor area of elevator shafts and stair towers, public restrooms, permanently designated corridors, public lobbies, and common mall areas. In smaller buildings, the difference between GLA and GFA is negligible.

- Group Home: A private residence which provides resident services to a maximum of eight (8) unrelated persons, exclusive of the resident care provider. Residence should be restricted to a maximum of two (2) persons per bedroom exclusive of the bedroom(s) needed for the resident care-provider(s). Persons, who are developmentally disabled, mentally retarded, mentally ill, aged, and/or handicapped, may be occupants of a group home. Residential care facilities which contain greater than eight (8) persons are defined as institutions.
- Highway, Major: A street or road of considerable continuity and used primarily as a traffic artery for intercommunication among large areas.
- Home Occupation: A business conducted as an accessory use in a dwelling unit, as further regulated pursuant to Article IX, Section 9 (Home Occupations).
- Hotel: A building in which lodging or boarding and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradistinction to a boarding house, a lodging house, or an apartment which are herein separately defined.
- Illumination: The lighting of an object.
 - External Illumination:
The lighting of an object from a light source that is not within the object.
 - Internal Illumination:
The lighting of an object from a light source that is within the object.
- 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 part of a greater structure, and that requires transportation to the site intended. use. "Industrialized Unit" includes units installed on the site as independent units, as part of a group of units, or incorporated with standard contraction needs to form a completed structural entity. "Industrialized Unit" does not include a manufactured or mobile home as defined herein.
- Institution: A building occupied by a non-profit corporation or a non-profit establishment for public use.
- Integrated Community Business Center: A grouping of three or more retail, service, or office commercial establishments which have common vehicular parking facilities, controlled access to abutting streets, and are developed under a unified site plan.
- Junk Yard: An open area where the accumulation or storage of any of the following occurs: One or more junk vehicle(s), junk, disabled or inoperative machinery or equipment, and /or component parts thereof, rags, paper, scrap metal, waste or other debris defined as junk in ORC 4737.05 (A). A junk yard includes wrecking yards or any other facility or area where any of the above mentioned item(s) are bought, sold, exchanged, packed, stored or handled but excludes uses taking place entirely within enclosed building.
- Juveniles/Harmful to Juveniles: A juvenile is an unmarried person under the age of eighteen. Any sexually-oriented material or performance is "harmful to juveniles" if it is offensive to prevailing standards in the adult community with respect to what is suitable for juveniles, and if any of the following apply:
 - It tends to appeal to the prurient interest of juveniles;
 - It contains a display, description, or representation of specified sexual anatomical areas or specified sexual activities;
 - It makes repeated use of foul language;
 - It contains a display, description, or representation in lurid detail of the violent physical torture, dismemberment, destruction, or death of a human being;
 - It contains a display, description, or representation of criminal activity that tends to glorify or glamorize the activity, and that, with respect to juveniles, has a dominant tendency to corrupt.

- **Laundromat**: An establishment providing home-type washing, drying or ironing machines for hire to be used by customers on the premises.
- **Light Trespass**: The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.
- **Live Entertainment**: On-site entertainment by live entertainers that characterizes the establishment, as determined (if necessary) from a pattern of advertising as well as actual performances.
- **Loading Space**: A space within the main building or on the same lot therewith, providing for the standing, loading or unloading of trucks.
- **Lodging House**: A building other than a hotel, bed and breakfast inn, boarding house, or rooming house, where lodging on a long-term residential basis is provided for compensation for three (3) or more persons.
- **Logo**: A textual and/or graphic image displayed for the purpose of identifying an establishment, product, goods, services or other message to the general public.
- **Lot**: A parcel of land occupied or intended for occupancy by a use permitted in this Resolution, including one (1) main building, together with its accessory buildings, the open spaces and parking spaces required by the Resolution and having its principal frontage upon a street or upon an officially approved place.
- **Lot Frontage**: The horizontal distance for which the boundary line of a lot and the street right-of-way or a private street are coincident. On curvilinear streets, the arc between the side lot lines along the right-of-way shall be considered the lot frontage. Lot frontage shall not be less than seventy-five (75) feet of the required minimum lot width in a zoning district. All sides of a lot that abuts a street shall be considered frontage. The ends of incomplete streets, or streets without a turning circle, shall not be considered frontage.
- **Lot Width**: The diameter of the smallest circle that can be inscribed within the side lot lines at any point on a continuous line from the front setback line to the rear setback line on a lot.
- **Lot, Minimum Area of**: The area of a lot computed exclusive of any portion of the right-of-way of any public thoroughfare.
- **Luminaire**: A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.
- **Manufactured Housing**: Any pre assembled residence transported to a site for final assembly and set up. Does not include traditional site built housing.
 - 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 part of greater structure, and that requires transportation to the site intended use. “Industrialized unit” includes units installed on the site as independent units, as part of group of units, or incorporated with standard construction needs to form a completed structural entity. “Industrialized unit” does not include a manufactured or mobile home as defined herein.
 - 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 that is fabricated in an off-site facility, is more than thirty-five (35) body feet in length, or when erected on site, is three hundred twenty (320) or more square feet, that is built on a permanent chassis and is transportable in one or more sections and does not qualify under this Resolution’s definition of a manufactured home or industrialized unit.

- **Motor Court or Motel:** A building or group of buildings used for the temporary residence of motorists or travelers.
- **Nacelle:** A separate streamlined metal enclosure that covers the essential mechanical components of the turbine.
- **Neon Color:** An extremely bright color.
- **Net Area:** The total area of a site for residential or nonresidential development, excluding all existing public right-of-way, easements, or other areas reserved or dedicated for public use except private easements which serve as primary access to no more than four individual lots or parcels. Net area may be expressed in acreage or square footage.
- **Non-traditional accessory buildings:** Include but not limited to semi-truck trailers, box trucks, cargo containers used by rail, air, shipping and land transportation industries.
- **Nonconforming Use:** The use of land or a building, or portion thereof, which use does not conform with the use regulations of the district in which it is situated.
- **Obscene:** Any material or performance that when considered as a whole and judged with reference to ordinary adults is "obscene" if it contains a series of displays or descriptions of specified sexual anatomical areas or specified sexual activities, the cumulative effect of which is a dominant tendency to appeal to prurient or scatological interest, when the appeal to such an interest is primarily for its own sake, or in a way that inspires disgust or revulsion in persons with ordinary sensibilities, or for commercial exploitation, rather than primarily for a genuine scientific, educational, sociological, moral, or artistic purpose. Obscene sexually oriented material shall include any of the following activities as part or in connection with any of the uses of an establishment set forth in this Zoning Code:
 - Human male genitals or the female breast areola in a discernibly turgid state of sexual stimulation or arousal even if completely and opaquely covered;
 - Fondling, rubbing, penetration, or other erotic touching or display of human genitals, pubic region, buttock, anus, female breasts, or open female labia, including lap dancing, friction dancing, table dancing, straddle dancing, face dancing, or any other method of erotic touching, but not including casual touching;
 - Actual sexual activity, normal or perverted, including human masturbation, the penetration of any orifice with a male penis or sex toy, sexual intercourse, sodomy, cunnilingus, fellatio, bestiality, or sadomasochistic activities or other extreme or bizarre violence, cruelty, or brutality used to arouse lust;
 - Excretory functions, actual or simulated, including urination, defecation, male ejaculation, or the aftermath of male ejaculation.
- **Open Space** - An area that is intended to provide light and air. Open space may include, but is not limited to farmland, meadows, wooded areas, and water bodies.
- **Open Space, Restricted** - Open space within a development that is of sufficient size and shape to meet the minimum zoning requirements and that is restricted from further development.
- **Parking Area:** An open, unoccupied space used or required for use for parking of automobiles exclusively and in which no gasoline or automobile accessories are sold or no other business is conducted and no fees are charged.
- **Parking Space:** A surfaced area, enclosed in the main building or in an accessory building, or unenclosed, having an area of not less than one hundred and eighty (180) square feet exclusive of driveways.
- **Permanent Foundation:** A permanent masonry, concrete or locally approved footer or foundation to which a manufactured or mobile home may be affixed.

- Permanently Sited Manufactured Home: Is a manufactured home that meets all of the following criteria:
 - The structure is affixed to a permanent foundation and is connected to appropriate facilities;
 - The structure, excluding any addition, has a width of at least 22 feet at one point, a length of at least 22 feet at one point, and a total living area of at least 900 square feet, excluding garages, porches, or attachments;
 - The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six inch minimum eave overhang, including appropriate guttering;
 - The structure was manufactured after January 1, 1995;
 - The structure is not located in a manufactured home park.
- Place: An open, unoccupied space or a public or private thoroughfare, other than a street or alley, permanently reserved as the principal means of access to abutting property.
- Pond: A permanent or temporary body of open water, whether in its natural state or an artificial water impoundment made by constructing a dam or an embankment or by excavating a pit or dugout. A pond shall include a “retention pond,” but shall not include a “dry detention pond” or a “swimming pool.”
- Pond Plan: A detailed plan drawn to scale which must be submitted with an application to construct a pond.
- Pond, Dry Detention: A shallow swale or basin of not more than two to three feet depth constructed to retard flood runoff and minimize the effect of sudden floods where water is temporarily stored and released through a gravity outlet structure at a rate that will not exceed the carrying capacity of the channel downstream. Often, the basins are planted with grass and used for open space or recreation in periods of dry weather.
- Pond, Retention: A pond constructed to retard flood runoff and minimize the effect of sudden floods where water is permanently held to a fixed minimum and maximum water elevation between runoff events and which may be used to recharge the underground water supply, to trap sediment and debris, or for recreation/aesthetic purposes.
- Porte-cochère: A roofed structure covering a driveway at the entrance of a building to provide shelter while entering or leaving a vehicle.
- Primary Structure. For each property, the structure that one or more persons occupy the majority of time, on that property, for either business or personal reasons. Primary structures include structures such as residences, commercial buildings, hospitals, and day care facilities. Primary structures exclude structures such as hunting sheds, storage sheds, pool houses, unattached garages, and barns.
- Private Swimming Pools. A permanent private swimming pool, but not including ponds, shall be any man made body of water not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than one and one-half (1-½) feet.
- Professional Engineer. A qualified individual who is licensed as a Professional Engineer in the State of Ohio.
- Public Display: The act of exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a street, high-way, or public sidewalk, or from the property of others, or from any portion of the premises where items and material other than sexually-oriented materials are on display to the public.

- Public Way: An expressway, freeway, highway, parkway, boulevard, avenue, road, street, alley, sidewalk, path, subway, bridge, viaduct, tunnel, channel, drain, canal, ditch, or other passage in which the general public has a right of passage and that right of passage is under the control of and maintained by public authorities, whether improved or not. (see Right-of-way)
- Recreational Vehicle: A vehicle designed to be used primarily for recreational purposes, including temporary sleeping quarters or cooking facilities, or a unit designed to be attached to a vehicle and used for such purposes, including self-propelled motor-homes, pick-up campers, travel trailers and tent trailers, provided any such vehicle or unit travel trailers and tent trailers, provided any such vehicle or unit which is forty (40) feet or more in overall length shall be considered a mobile home and shall be subject to all regulations of this ordinance applicable to mobile homes.
- Residential Floor Area: The area of a dwelling devoted to living purposes, including stairways, halls, and closets, but excluding porches and space used for a garage or carport.
- Right-of-way: 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 of treatment) such as grade separation, landscaped areas, viaducts, and bridges. (See Public Way)
- Scenic Viewshed: A visual resource as viewed from a public right-of-way that provides the Township with its visual character, sense of place, unique identity, and contributes to the overall quality of life of Township residents.
- Setback: See “building setback.”
- Sexually-Oriented Business: An establishment where a substantial portion of the use is distinguished or characterized by its emphasis on sexually-oriented materials. Sexually-oriented businesses include sexually-oriented cabarets/theaters, sexually-oriented media stores, and sexually-oriented motels, more specifically defined hereunder by this regulation. Sexually-oriented business shall not include nude model studios, sexual encounter centers, sexually-oriented escort agencies, sexually-oriented spas, or sexually-oriented viewing booth or arcade booth facilities each more specifically defined by this regulation and prohibited as land uses, secondary uses, or accessory uses in the township pursuant to Article IX, Section 23.
 - Sexually-Oriented Cabaret/Theater:

A sexually-oriented auditorium, bar, concert hall, movie house, nightclub, restaurant, theater, or similar business establishment which for any form of consideration displays or depicts sexually-oriented materials to patrons in a seating area exceeding 600 square feet as a substantial portion of its entertainment or presentation time, including: on-site live performances on a stage that features horizontal and/or physical barriers to prevent contact between the performers and the audience, including exhibitions, dance routines, gyration choreography, strippers (male or female), female impersonators, lingerie modeling, or dancers; or other media, including films, motion pictures, computer files or software, laser discs, video cassettes, DVD’s, slides, and similar photographic reproductions.
 - Sexually-Oriented Media Store:

A sexually-oriented business establishment which offers sexually-oriented materials for retail sale or rental for any form of consideration as a substantial portion of its stock in trade, including books, magazines, periodicals, or other printed matter, visual representations, instruments, devices or paraphernalia.
 - Sexually-Oriented Motel:

A sexually-oriented hotel, motel, or similar business establishment that offers accommodation to the public for any form of consideration, and provides patrons with close-circuit television transmissions, films, motion pictures, laser discs, videocassettes, DVDs, slides, or other photographic reproductions that are characterized by the depiction or description of sexually-oriented material which is harmful to juveniles or obscene, and:

 - has a sign visible from the public right-of-way that advertises the availability of adult and/or sexually explicit materials along with room rentals; or
 - offers a sleeping room for rent for a period of time that is less than ten (10) hours; or

- allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.
- **Nude Model Studio:**
An establishment where a person who exhibits specified sexual anatomical areas is to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons for any form of consideration. A Nude Model Studio shall not include a proprietary school licensed by the State of Ohio or a College, Junior College, or University supported entirely or in part by public taxation, a private college or university that maintains and operates educational programs in which credits are transferable to a College, Junior College, or University supported entirely or partly by taxation, or in a structure, provided such institution meets all of the following criteria:
 - There is no sign visible from the exterior of the structure and no other advertising that indicates a person exhibiting specified sexual anatomical areas is available for viewing; and
 - In order to participate in a class a student must enroll at least three days in advance of the class; and
 - No more than one person exhibiting specified sexual anatomical areas is on the premises at any one time.
- **Sexual Encounter Center:**
An establishment that for any form of consideration, offers facilities for physical touching activities, including wrestling or tumbling, lap dancing, or body painting, between male and female persons and/or persons of the same sex in a private or semi-private area of six hundred (600) square feet or less and where one or more of the persons displays or exhibits specified sexual anatomical areas or performs specified sexual activities.
- **Sexually-Oriented Escort Agency:**
An establishment which for any form of consideration advertises, offers, or furnishes a companion, guide, or date for a service which includes the exposure of specified sexual anatomical areas or specified sexual activities, the modeling of lingerie, or private striptease performances in a private or semi-private area of six hundred (600) square feet or less.
- **Sexually-Oriented Spa:**
An establishment which for any form of consideration provides massages by persons who are not medical professionals or certified massage therapists, or provides patrons with bathing, sauna, shower, or hot tub services in a private or semi-private area of six hundred (600) square feet or less, and which provides sexually-oriented materials or engages in or offers to engage patrons in specified sexual activities, or activities commonly associated with a sexual encounter center.
- **Sexually-Oriented Viewing Booth or Arcade Booth Facility:**
An establishment which for any form of consideration provides a booth, cubicle, stall, or compartment less than or equal to six hundred (600) square feet in area that is primarily designed, constructed, or used to hold or seat patrons to view sexually-oriented materials, including live entertainment or any photographic, electronic, magnetic, digital, or other means or media (including, but not limited to, film, video or magnetic tape, laser disc, cd-rom, books, magazines, or periodicals).
- **Sexually-Oriented Materials:** Media, matter, visual representations, performances, or services distinguished or characterized by the emphasis on specified sexual anatomical areas or specified sexual activities which are not of an obscene nature or which are otherwise harmful to juveniles or obscene. Sexually-oriented materials may include any one or more of the following: books, magazines, newspapers, periodicals, pamphlets, posters, prints, pictures, photographs, slides, transparencies, figures, images, descriptions, motion picture films, previews, trailers, video cassettes, compact discs, laser discs, DVDs, computer files or software, phonographic records, tapes, or other printed matter, visual representations, tangible devices or paraphernalia designed for use in connection with specified sexual activities, plays, shows, skits, dances, exhibitions, or any service capable of arousing prurient or scatological interests through sight, sound or touch.

- Sign: Any object consisting of a communication in the form of text, or sign copy, designed for the purpose of identifying an establishment, product, goods, services or other message to the general public.
- Sign Amount: The quantity of signs on premise.
- Sign Area: The entire area (in square feet) within a shape defined by a continuous line having only right angles that enclose the limits of sign copy. Sign structures shall not be included in the sign area measurement.
- Sign Copy: Words, letters, numbers, logos, symbols or designs.
- Sign Face: The portion of a sign that displays sign copy.
- Sign Height: The measurement from the location along a sign structure that comes in contact with the ground to the upper most point of the sign. Placing a sign on top of a mound is permitted if the mound is aesthetically incorporated into the sign's composition with elements such as landscaping and retaining walls.
- Sign Setback: The distance from the nearest edge of a sign or sign structure, measured at a vertical line perpendicular to the ground, to the right-of-way or future right-of-way if established prior to the sign's construction.
- Sign Structure: Any portion of a sign constructed to support a sign face.
- Sign, Address: A sign of high-intensity green background with high-intensity white numbers, not to exceed one square foot in area.
- Sign, Awning: Any sign, copy, symbol or logo displayed on an awning.
- Sign, Building Mounted: A sign attached to a building that is visible to the general public.
- Sign, Cantilever: A sign supported on the ground by a pole, not attached to any building, whereas the sign extends away from the primary support structure.
- Sign, Construction: A sign identifying the name(s) of project owners, or those involved in a project being constructed or improved.
- Sign, Directional: A sign erected for the sole purpose of directing vehicle or pedestrian traffic.
- Sign, Freestanding: A self-supporting sign.
- Sign, Monument: A self-supporting sign with a solid base upon which a sign is displayed.
- Sign, Multi-Sign Copy Display: An object containing more than one sign.
- Sign, Off-premise: See Billboard
- Sign, Pole: A sign supported on the ground by a pole that is not attached to any building or other structure.
- Sign, Political: A temporary sign used in connection with local, state or national elections.
- Sign, Portable: A sign that is not permanently affixed to a structure or ground.
- Sign, Real Estate: A sign indicating or directing one to a property that is available for sale, rent, or lease.
- Sign, Roof: A sign located on a roof, or a sign that extends above the roofline of a building.
- Sign, Single-Sign Copy Display: An object containing one sign.
- Sign, Special Event: Any sign used to present information regarding a special event.
- Sign, Subdivision Identification: Any sign used for the purpose of identifying a residential community consisting of condominiums, apartments, mobile homes, and or single-family homes.
- Sign, Subdivision Marketing: Any temporary sign used for the purpose of advertising the sale of platted lots, sale or lease of multi-family units, or available space in a commercial development.
- Sign, Window: Signs that are affixed to a window or are positioned within two (2) feet of the inside of a window so they are visible from the outside.
- Signs: Any identification, description, illustration, symbol statue or device illuminated or non-illuminated which is visible from any public place or is located on private property and exposed to

the public view from outside the property where located and which directs attention to a product, service, place, activity, person, institution, business, or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, permanent placard, or temporary sign designed to advertise, identify or convey information, to include any landscaping wherein letters or numbers are used for the purpose of directing the public's attention to a product or location, with the exception of window displays and national flags.

- **Single-family Dwelling**: A permanent structure entirely detached: independent from any other principal structure placed on a permanent foundation, having one or more room; with provisions for living, sanitary and sleeping facilities specifically designed and arranged exclusively for the use of one or more individuals of the same family. These dwellings include site built homes, industrialized homes, manufactured homes and mobile homes but not barns, sheds or other structures designed for uses other than single family.
- **Solar Panel**: A panel containing solar cells or absorbing plates that convert the sun's radiation into energy for use in providing electricity or heating to buildings or structures.
- **Solar Panel Array**: A single panel or group of connected panels, including an attached mounting system. A solar panel array may be installed on a building or structure, or on a free standing support system as defined in Article XIII, Section 2 of this Zoning Resolution.
- **Solicitor, Township Solicitor**: The solicitor of Middleton Township, Wood County, Ohio.
- **Sound Level Meter**: An instrument for the measurement of sound level.
- **Special Care Dwelling**: A dwelling occupied by a single family plus not more than three (3) special care inhabitants. The special care inhabitants must require special care or attention from the dwelling owner or family but such special care is not to include medical or therapeutic services provided in the dwelling. The primary elements of a traditional family relationship must exist among all of the inhabitants of the special care dwelling (i.e. there must exist that type of relationship which emphasizes the collective body of persons under one head and one domestic government having natural or moral duties to support and care for each other). The relationship between the special care inhabitants and the family offering the care must be non-profit (i.e. the compensation received must be designed to reimburse the reasonable cost of providing said care). The family or dwelling owner must provide either a permanent living arrangement for those permanently in need of care or a felling of permanency of living arrangements for those who are in a period of transition between their institutionalization and their complete reintegration into society. Said dwelling unit, if required by the state or county, shall meet all the licensing requirements.
- **Special Care Inhabitant**: A person who requires specialized care, rehabilitation or therapy provided in a dwelling or family unit; which therapeutic services may be of a medical, psychological, or related type assistance. Examples of such persons shall include, but not limited to, mentally ill, autistic, mentally retarded, developmentally disabled, foster care, delinquent, drug dependent, handicapped, or aged person.
- **Special Flood Hazard Area Development Permit**: A permit issued by the Wood County Planning Commission local Flood Plain Administrator required before beginning any development in an identified special flood hazard area.
- **Special Structure**: Unoccupied buildings typically located at the entrance of a development for the purpose of aesthetics and/or sign display.
- **Specified Sexual Activities**: Includes the non-obscene display or depiction of any of the following activities as part or in connection with any of the uses of an establishment set forth in this Zoning Code:
 - Casual touching of human genitals, pubic region, buttocks, anus, or female breasts; and
 - Simulated human masturbation, cunnilingus, fellatio, intercourse, or sodomy where the genitals cannot be seen.
- **Specified Sexual Anatomical Areas**: The non-obscene showing of less than completely and opaquely covered human genitals, pubic region, vulva, buttocks, anus, or anal cleft; or the showing of the lower portion of the female breast below a horizontal line across the top of the

areola at its highest point, but not including any portion of the cleavage of the human female breast exhibited by a dress, blouse, skirt, leotard, bath suit, or other wearing apparel provided the areola or nipple is not exposed in whole or in part.

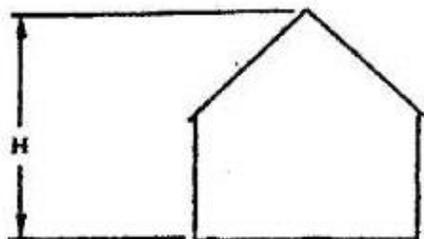
- **Stormwater Management Plan:** A description of controls appropriate for each construction operation covered by these regulations in order to control storm water damage and sediment pollution of water resources, wetlands, riparian areas, other natural areas, and public and private lands.
- **Story:** That portion of a building, other than a cellar included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.
- **Story, Half:** A story under a gable, hip or gambrel roof. The wall plates of which on at least two (2) opposite exterior walls are not more than four (4) feet above the floor of such story.
- **Street:** A public or private thoroughfare which affords the principal means of access to abutting property.
- **Street Line:** A dividing line between a lot, tract or parcel of land and a contiguous street.
- **Structure:**
Anything constructed or erected other than an building, the use of which requires more than permanent location on the ground or attached to something having a permanent location on the ground, including--but without limiting--the generality of the foregoing, advertising signs, billboards, backstops for tennis courts and pergolas.
Anything constructed or erected that requires location on the ground, or attached to something having a fixed location on the ground. Includes those things considered temporary or permanent. Structures may include, but are not limited to, buildings, radio, television and cellular towers, decks, fences, walls, antennae, swimming pools, signs, streets, sidewalks and billboards.
- **Structural Alterations:** Any change which would tend to prolong the life of a supporting member of a structure such as bearing walls, columns, beams or girders.
- **Substantial Portion:** A measurement, count, or ratio used in the determination whether an establishment is a sexually-oriented business, computed as follows:
 - For retail sales or rental of sexually-oriented materials in displays visible or self-accessible to the public – more than ten (10) percent of the content, stock-in-trade, shelf-space, or inventory of the establishment;
 - For retail sales or rental of sexually-oriented materials of a media nature only (i.e., not including sexually-oriented toys or novelties, lingerie which reveals specified sexual anatomical areas, or leather goods marketed or presented in a context to suggest their use for sadomasochistic practices) displayed in separate rooms or areas with access controls which isolate the room or area from other parts of the store and prevents patrons from viewing sexually-oriented material from the rest of the establishment – more than forty (40) percent of the gross floor area of the establishment;
 - For performance activities or the showing of films, motion pictures, video cassettes, slides, or similar visual or photographic reproductions – more than ten (10) percent of the presentations or performances within any ninety (90) day period in the establishment are characterized by the depiction or description of:
 - Presentations emphasizing specified sexual activities, specified sexual anatomical areas, or material that is harmful to juveniles or obscene; or
 - The showing of movies where the Motion Picture Association of America Movie Rating System or a rating system using similar constitutionally acceptable standards would apply an “adults only” rating, including, but not limited to; “NC-17,” “X,” “XX,” or “XXX,” or unrated films with comparable content.
- **Tourist Home:** A building other than a hotel where lodging is provided and offered to the public for compensation for not more than twenty (20) individuals and open to transient guests.
- **Township:** Middleton Township of Wood County, State of Ohio.

- Trailers, Small Utility: Any small trailer drawn by a motor vehicle used for the occasional transport of personal effects, camping equipment and boats.
- Trailers, Vacation: Any trailer with living accommodations drawn by a motor vehicle used for vacation travel.
- Transportation-for-hire: Any business or public utility in the transportation of persons or property, or both, or furnishing such transportation service over any public street, road or highway.
- Travel Trailer: A non-self-propelled recreational vehicle that does not exceed an overall length of thirty-five (35) feet, exclusive of bumper and tongue or coupling, and contains less than three hundred twenty (320) square feet when erected on site. "Travel trailer" includes tent-type and foldout camping trailers.
- Trustees; Board of Trustees: The Board of Trustees of Middleton Township, Wood County, Ohio.
- Wind Power Turbine Owner. The person or persons who owns the Wind Turbine structure.
- Wind Power Turbine Tower. The support structure to which the turbine and rotor are attached.
- Wind Power Turbine Tower Height. The distance from a rotor blade at its highest point to natural undisturbed grade level of a wind turbine tower foundation.
- Window Area: The area contained within the boundary of a window. A group of windows may be considered one window if they are on the same building face and are less than six inches apart.
- Yard: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of the rear yard, the minimum horizontal distance between the lot line and the main building shall be used. For the purposes of establishing a building setback, a yard shall be measured from the right-of-way, lot line or pavement edge, whichever is more restrictive.
- Yard, Front: A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street or place line and the main building or any projections thereof other than the projections of the usual uncovered steps, uncovered balconies or uncovered porch. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.
- Yard, Rear: A yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections of uncovered steps, unenclosed balconies or unenclosed porches.
- Yard, Side: A yard between the main building and the side line of the lot, extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the main building or any projections thereto.
- Zoning Commission, Commission: The Zoning Commission of Middleton Township, Wood County, Ohio.
- Zoning Inspector: The person employed by Middleton Township with the title "Zoning Inspector."

ROOF TYPES AND BUILDING HEIGHT

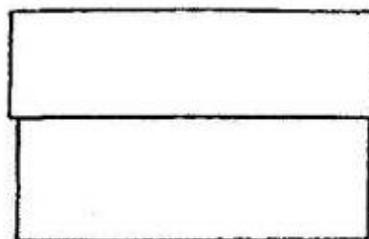
These diagrams are included in Articles VIII and XVIII.

H = HEIGHT OF BUILDING

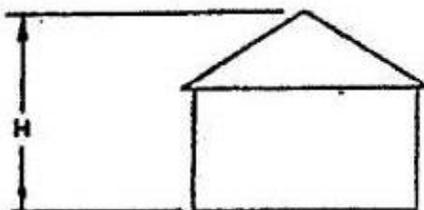


END VIEW

GABLE ROOF

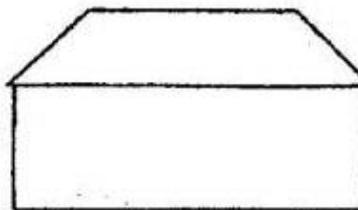


SIDE VIEW

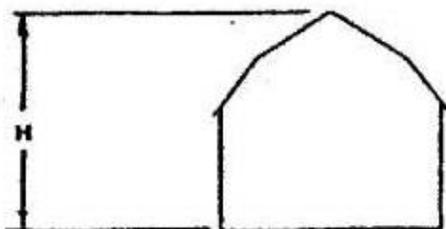


END VIEW

HIP ROOF

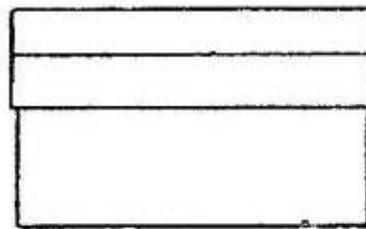


SIDE VIEW

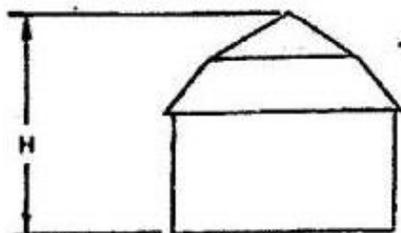


END VIEW

GAMBREL ROOF

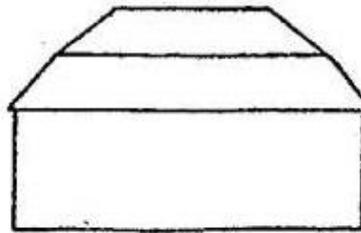


SIDE VIEW



END VIEW

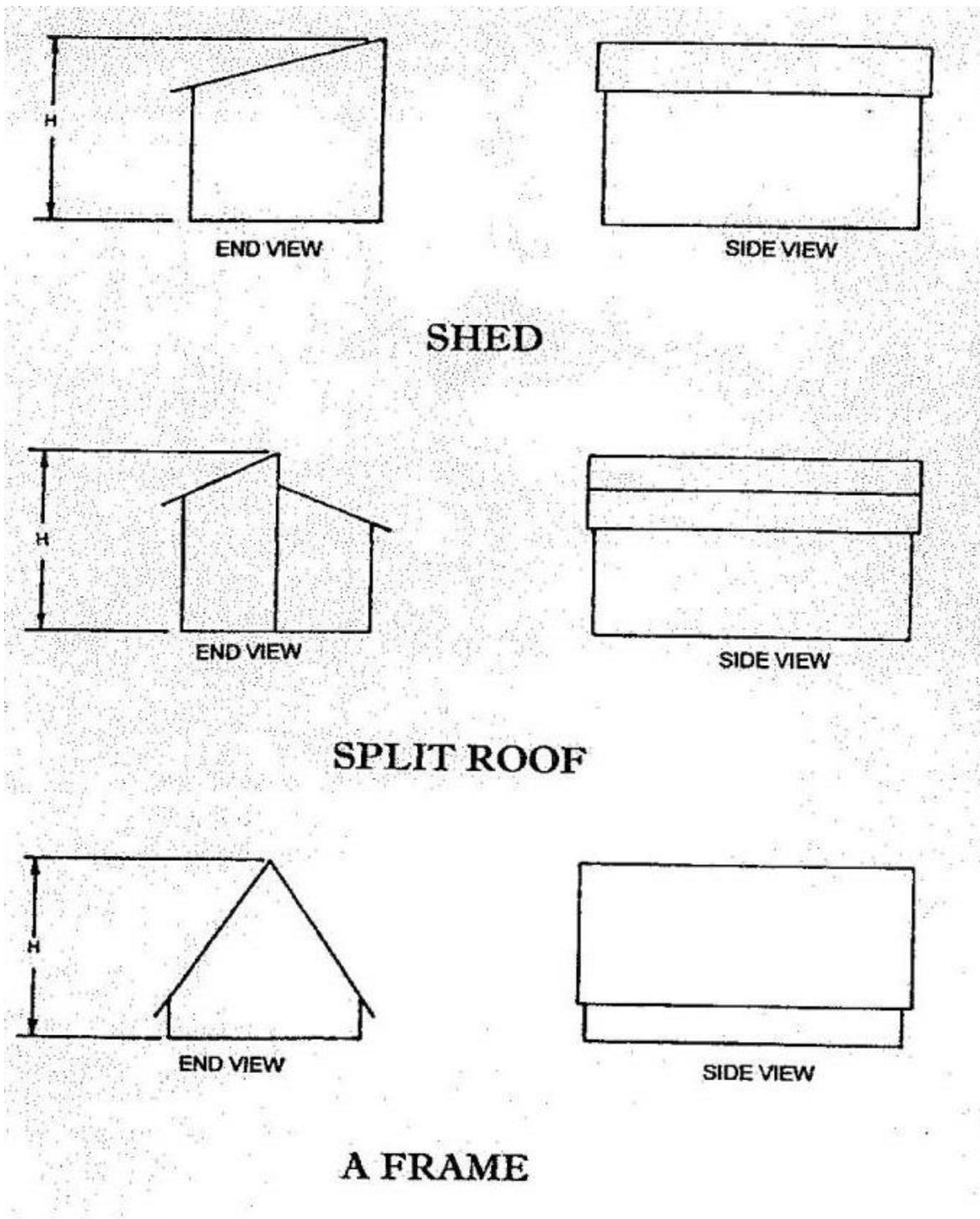
MANSARD ROOF



SIDE VIEW

ROOF TYPES AND BUILDING HEIGHT

These diagrams are included in Articles VIII and XVIII.



Section 7. RESOURCES

1. SITE SURVEY GUIDE

Please note that this reference is intended as a guide and not a comprehensive resource. Site developers should refer to the entire Middleton Township Zoning Resolution for detailed information. Contact the Middleton Township Zoning Inspector with questions.

	Standards and Requirements	Corresponding Zoning Resolution Article	Includes Information On:
1	Development Standards	Article VIII	Building height requirements (in feet and floors); building and land use requirements and compliance
2	Landscaping Requirements	Article X	Landscaping standards and regulations, including materials, placement, layout and installation timing
3	Off-Street Parking and Loading Requirements	Article XI	Parking space and loading requirements, special parking provisions, and development/maintenance of parking areas
4	Signage Regulations	If located in SR 25 and SR 582 Overlay District, Article V; for all other areas, Article XII	Sign types and definitions, prohibited, non-conforming and abandoned signs, and sign maintenance
5	SR 25 and SR 582 Overlay District, if Applicable	Article V	Architectural and landscape review; maintenance, replacement and general requirements; access permits and options; and, traffic impact study and assessment

ARTICLE VIII ENDNOTES

A Section 7 – SITE SURVEY GUIDE – Resolution Amended September 2017