Muskingum
TOWNSHIP

# Zoning Resolution

## Muskingum Township

## Washington County, Ohio

Zoning Resolution of 1954
Effective: August 4, 2025

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# Zoning Resolution
# For Muskingum Township
## Passed At Election May 4, 1954

## Revised June 19, 1993/March 6, 2001/ September 7, 2006/November 8, 2014/May 6, 2019/ August 4, 2025

The Board of Trustees of Muskingum Township, enact this revised zoning resolution and adopt the revised zoning map in order to:

1. Act in the interest of and promote the public health, safety, morals, convenience, comfort, and general welfare;
2. Conserve and protect property and property values;
3. Secure the most appropriate use of land;
4. Facilitate adequate but economical provisions for public improvements and in accordance with a comprehensive plan, do hereby adopt the following resolution to govern and regulate.
    a. The location, size, and use of buildings and structures, in the zoned area of the Township known as Muskingum.
    b. The percentage of lot area which may be occupied.
    c. Set-back lines, sizes of yards and other open spaces.
    d. The use of land for trade, industry, residences, recreations and other purposes and for such purposes divides the area of Muskingum into districts and zones.

In interpreting and applying the provisions of this Resolution, they shall be held to be the minimum requirements for the interest of public convenience, comfort, prosperity, or general welfare**.** Whenever the regulations of this Resolution require: a greater width or size or yards or other open spaces, a lower height limit, greater percentage of lot to be left unoccupied, a lower density of population, a more restricted use of land, or impose other higher standards than are required in any other resolution or regulation, private deed restrictions or private covenants, this Resolution shall govern.

WHEREAS, the Trustees of the Township of Muskingum, Washington County, Ohio, deem it necessary in the interest of public convenience, comfort, prosperity and general welfare to provide for the zoning and districting of the Township of Muskingum, Washington County, Ohio, as permitted by provision of section 519.01 et seq of the Revised Code of the State of Ohio, now therefore.

# BE IT RESOLVED BY

# THE TOWNSHIP TRUSTEES OF MUSKINGUM TOWNSHIP, WASHINGTON COUNTY, AND STATE OF OHIO:

## ARTICLE I

GENERAL PROVISIONS

### Section 1.01 DEFINITIONS

For the purpose of this Resolution certain terms and words are hereby defined as follows:

Words used in the present tense include the future: Words in the singular number include the plural number and words in the plural number include the plural number and words in the singular number include the singular number: the word "building" includes the word "structure"; the word "lot" includes the word "plot": the words "used for" include the meaning "designed for": and the word "shall" is mandatory and not directory.

ACCESSORY BUILDING

A structure or building which has a roof and the use of which is incidental and subordinate to the principal use or principal building on the lot or on a dock or bank adjacent to the lot, and which serves a purpose customarily incidental and subordinate to the use of the principal building or use, including, but not limited to: storage sheds, detached garages and barns, covered gazebos, detached carports, skid-mounted structures, and picnic shelters, but not including trellises, arbors, or pergolas.

ACCESSORY USE

A use which is located on the same lot as a principal use, subordinate to or serves the principal use, and is customarily incidental to the principal use.

ADDITION

A covered increase or extension in floor area or height of a structure that is connected to the main or principal building with direct access to and which shares a common wall with the main or principal building. Follows all applicable yard and setback regulations.

AGRICULTURE

Agriculture defined in accordance with ORC 519.01 and as such, agriculture includes farming; ranching; algaculture meaning the farming of algae; 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; and 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. Agriculture shall not include a vegetable garden, fruit bearing plants, or ornamental shrubs, ornamental trees, trees or flowers intended for use solely upon the residential lot by the occupants thereof.

## ALLEY

A public way contemplated for the use of vehicular traffic which affords secondary means of access to property abutting thereon.

## APARTMENT

A room or suite of rooms used as a single-family dwelling including bath and culinary accommodations, located in a building in which are two or more such rooms or suites.

## APARTMENT HOTEL

An apartment building under resident supervision, which maintains an entry lobby through which all tenants must pass to gain access to the apartments and which may furnish for the exclusive use of its tenants by previous arrangement services ordinarily furnished by such hotels.

## APARTMENT HOUSE

A building or portion thereof used or intended to be used as a residence for two or more families living in separate apartments.

## BOARDING HOUSE

A building other than a hotel where lodging and/or meals for five or more persons but not exceeding twenty persons are provided for compensation pursuant to a previous arrangement.

## BLOCK

That property abutting on one side of a street between the two nearest intersecting streets or other natural barriers.

## BUILDING

A structure that has a roof supported by columns or walls. When separated by a division wall without an opening, each portion of such building shall be deemed a separate building.

## BUILDING AREA (For Building Permit Dimensions Only)

The maximum horizontal projected area of a building and its accessories, excluding open porches, steps, and terraces.
This definition is used to determine the area of a building to calculate the fees for obtaining a building permit.

## BUILDING, FRONT OF

The portion of building line or yard line, adjacent to the street line affording principal access to the building.

## BUILDING, REAR OF

That portion of a building line or yard line, opposite to the front line of a building whether or not affording service access to the building.

## BUILDING LANE

The clearance line that limits the approach to a lot line of a building exclusive of open porches, terraces, walkways or separate accessory buildings.

## BUILDING, MAIN OR PRINCIPAL BUILDING/STRUCTURE

The building or structure containing the main or principal use of the lot on which it is situated.

## BUSINESS, RETAIL

A business that sells products or services to individual consumer(s) for his or her own use.

## BUSINESS, WHOLESALE

A business selling merchandise to anyone either a person or an organization other than the end consumer of that merchandise.

## BUSINESS, SERVICE

Type of business that provides services to customers as an occupation rather than producing a product.

## CARPORT

A detached accessory building located on the same lot as a dwelling or a structurally attached part of the dwelling, for the purpose of storing and/or parking one or more vehicles, which is covered but which is not completely enclosed by walls or doors. Shall be subject to all provisions for a private garage.

## CHICKEN RUN OR PEN

A fenced or other type of enclosure that is mostly open to the elements, for the purpose of allowing chickens to leave the henhouse or coop while remaining in a predator-safe environment. The chicken run or pen is typically attached to the henhouse or chicken coop.

## CHICKEN, DOMESTICATED

A subspecies of the species Gallus domesticus.

## CHICKEN COOP OR HENHOUSE

A structure providing shelter for chickens which is completely enclosed.

## CONDOMINIUM

"Condominium" means a form of real property ownership in which a declaration has been filed submitting the property to the condominium form of ownership pursuant to Chapter 5311 of the Ohio Revised Code and under which each owner has an individual ownership interest in a unit with the right to exclusive possession of that unit and an undivided ownership interest with the other unit owners in the common elements of the condominium property. Condominiums are conditionally permitted uses in the residential zone.

COURT

An open space on the same lot with a building which is surrounded by walls on two or more sides and unoccupied and unobstructed from its lowest level upward except as otherwise provided herein.

COURT, INNER

A court surrounded on all sides by walls or by walls and a lot line.

COURT, OUTER

A court surrounded on three sides by walls and the fourth side opening on a street, alley, or yard.

COURT, LENGTH OF OUTER

The mean horizontal distance between the open and closed ends of the court.

COURT, WIDTH OF

The least horizontal dimension of a court at its lowest level.

DISTRICT

A section of the Township of Muskingum, Washington County, State of Ohio, for which the regulations governing the use and area of buildings and premises are the same.

DWELLING

Any building which is designed or used primarily for residential purposes, including condominiums but excluding hotels, motels, boarding houses, lodging houses, tourist dwellings or temporary accommodations. A structurally attached garage or carport shall be considered a part of the dwelling.

DWELLING, MUTIPLE

A building designed or erected for or occupied by more than one family.

DWELLING, SINGLE FAMILY

A detached building which is used exclusively for residential purposes, which is designed for, or occupied exclusively by, one family.

ERECT

The word "erect" shall mean construct, build, raise, or establish, either under, upon or above the ground surface.

EXTEND

To enlarge or increase area used or occupied.

FAMILY

A person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking and eating facilities:

(1) any number of people related by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship; (2) two unrelated people; or (3) two unrelated people and any children related to either of them by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship. "Family" does not include any society, club, fraternity, sorority, association, lodge, federation, or like organization; any group of individuals whose association is temporary or seasonal in nature; any group of individuals who are in a group living arrangement as a result of a criminal offense. This definition is not, however, intended to prohibit those living arrangements among individuals which is specifically set forth in and authorized by applicable law as being permitted uses with the residential zoning district.

FENCE

A barrier, railing, or other upright structure, typically of wood or wire, enclosing an area of ground to mark a boundary, control access, or prevent escape. A gate constructed separately or as part of a fence shall be considered a fence for the purpose of these regulations. A wall constructed for the purpose of fencing, excluding retaining walls, shall be considered a fence for the purpose of these regulations.

FENCE, OPEN

A fence constructed for its functional, ornamental, or decorative effect and, when viewed at right angles, have not more than 50% of its vertical surface area open to light and air. Example varieties include chain link (vinyl coated or painted), split rail, or wrought iron.

FENCE, GARDEN

Flexible plastic nettings such as snow fencing, safety netting, plastic poultry hex fence held up by removable posts such as T-posts and wooden or plastic stakes utilized to enclose a small piece of ground used to grow vegetables, fruit, herbs, or flowers.

FOOTPRINT, MAIN BUILDING (used to determine the allowable size of an Accessory Building)

The total square footage of the ground floor of the main dwelling that is under roof. Including attached and covered garages, breezeways, and porches. Such area does not include overhangs, open patios, open terraces, or courts, open breezeways, outside open steps, or accessory buildings.

FRONTAGE

That part of a lot or lots, which abuts upon a street between two (2) consecutive intersecting streets.

GARAGE, PRIVATE

A detached accessory building or portion of the main dwelling, that is a separate or a subordinate portion of the main dwelling enclosed on all sides and designed or used for the storage of not more than three automobiles or incidental personal property owned and solely used by the occupants of the dwelling to which it is accessory. A private garage shall not be used as a dwelling.

GARAGE, PUBLIC

A building or portion of a building in which four or more vehicles are, or are intended to be

housed under arrangements made with patrons for renting or leasing such space and accommodation. No repair work will be done in a public garage.

## GRADE, ESTABLISHED

The grade at the inside line of the sidewalk as fixed by the Township Zoning Inspector.

## GROSS FLOOR AREA, MAIN BUILDING (used in determining allowable square footage for a home occupation)

The sum of the gross horizontal areas of the stories of a building measured from the exterior faces of the building but excluding basements, attic space, garages, breezeways, terraces, and porches whether or not enclosed. To be used in determining allowable square footage for a home occupation

## HEDGE

A series of bushes, shrubs, or trees growing closely together or touching and intended to form a fence or screen.

## HOME OFFICE

A limited type of home occupation consisting of an accessory use of a dwelling for a home office in a space designated in a residence for general business purposes for the residents of the dwelling.

## HOME OCCUPATION

A legitimate business, profession, trade, service or vocation, whether or not for profit, carried on within an enclosed dwelling residing therein, (shall be accessory to the principal residential use of the property).

## INDUSTRY

The term "industry" embraces operations involved in manufacture, production, or conversion of materials into articles of use.

## JUNK MOTOR VEHICLE

Any vehicle, including but not limited to cars, trucks, buses, trailers and boats, shall be deemed a junk motor vehicle when meeting any 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.
3. Unable to be moved under its own power and pass vehicle/boat safety and operability inspection.
4. Lacking a current State of Ohio license plate registered or boat registration to the vehicle/boat and displayed upon the vehicle/boat.

## JUNK YARD

The use of more than twenty-five (25) square feet of any land, building, or structure, whether for private and/or commercial purposes, where waste, discarded or salvaged materials including but not limited to: used lumber, used glass, discarded motor vehicles, paper, rags, rubber, cordage, barrels, etc., are sold, stored for more than fifteen (15) days, bought, exchanged, baled, packed, sorted, disassembled, dismantled, or handled.

LOT

One or more contiguous parcel(s) of land recorded on a deed in the office of the County Recorder, occupied or to be occupied by a building and its accessory buildings together with such open spaces as are required under this resolution and having its principal frontage upon a street or officially approved place.

LOT, CORNER

A lot abutting upon two (2) or more streets at their intersection.

LOT, DEPTH OF

The mean horizontal distance between the front lot line and the rear lot line.

LOT, INTERIOR

A lot other than a corner lot.

LOT LINES

Lines bounding a lot as defined herein.

LOT, THROUGH

A lot having frontage on two streets that are parallel or nearly so.

MANUFACTURED HOME

A building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with federal construction and safety standards established by the Secretary of Housing and Urban Development (HUD) and has a permanent label or tag affixed to it certifying compliance with all applicable federal construction and safety standards.

MODULAR HOME

A building unit or assembly of closed construction that is fabricated in an off-site facility and that meets the siting and construction codes regulated by state and local agencies, the same way in which site-built homes are regulated. The Ohio Building Code may be obtained from the Department of Commerce Board of Building Standards, or under the Ohio Administrative Code at Chapter 4101:1-1, et seq**.**

NON-CONFORMING USE

Any building or land lawfully occupied by and/or in use on the effective date of these regulations or any amendment or supplement thereto, which does not conform to the Use Regulations of the District in which it is situated.

PARKING SPACE

A designated off-street parking area that is exclusive of drives, aisles, or entrances giving access thereto.

PERSON

The word “person” shall include an individual, partnership, corporation, club or association, church, or governmental entity.

## PLACE

An open unoccupied space permanently reserved for purposes of access for abutting property.

## PORTABLE STORAGE UNIT

A non-permanent, non-habitable, self-contained unit, including open top dumpsters and bagsters, designed for placement on and subsequent removal from a property which can be transported by vehicle and left on-site for the purpose of facilitating the storage of personal property.

## PREMISES

Land and everything of a permanent nature.

## RECREATION VEHICLE

A vehicular portable structure designed and constructed to be used as a temporary dwelling for travel, recreational and vacation uses, and transportation of non-road legal motorized personal transportation devices and watercraft, and the trailers used to transport them. Recreational vehicles may include, but are not limited to the following:

A. "Travel Trailer"- A non-self-propelled recreational vehicle and includes a tent type fold-out camping trailer and designed to be used as a temporary dwelling for travel, recreational and vacation uses.

B. "Motor Home"- A self-propelled recreational vehicle designed to be used as a temporary dwelling for travel, recreational and vacation use.

C. "Truck Camper"- A non-self-propelled recreational vehicle without wheels for road use and designed to be placed upon and attached to a motor vehicle. Truck camper does not include truck covers which consist of walls and roof but do not have floors and facilities intended for using same as a dwelling.

D. "Boats" and "Boat Trailers" shall include boats, floats and rafts, plus the normal equipment to transport the same on the highway.

E. All-terrain vehicles (ATV's), personal watercraft devices, snowmobiles and trailers used to transport them.

## ROADSIDE STAND

A removable structure used or intended to be used solely by the owner or the tenant of a property on which it is located for the sale of seasonal agricultural products produced on the premises.

## SETBACK

The minimum distance in which a building or any projection thereof may be constructed in relation to the lot line.

## SIGN

A structure of part thereof or any device attached to land or buildings and which direct attention to a person, institution, organization, activity, place, object, product, or business.

## SOLAR PANEL

A photovoltaic panel or collector device, including any accessory equipment and mounting

structures or hardware, which relies upon solar radiation as an energy source for the generation of electricity or heating.

## SOLAR PANEL, FREE STANDING

A solar panel that is not attached to a principal structure as an accessory structure and is mounted on a structure attached to the ground.

## SOLAR PANEL, ROOF MOUNTED

A solar panel attached to the roof of a principal structure.

## STREET

Any roadway or public way dedicated to public use, except an alley.

## STREET LINE

A lot line bordering a street, park or other public way other than an alley line.

## STREET WALL

The main wall or front line nearest to and facing on a street including sun-parlors and roofed porches, open or closed, but excluding open steps or entrance ways.

## STRUCTURE

Anything constructed or erected, the use of which required permanent location on the ground or attached to something having a permanent location on the ground, including advertising signs, billboards, pergolas, farmers roadside stands, TV dishes and/or satellite dishes (disc), but not including fences or walls used as fences.

## STRUCTURAL ALTERATIONS

Any change in the supporting members of a buildings, such as bearing walls or partitions, columns, beams or girders, or any increase in the area of cubical contents of a building.

## TEMPORARY BUILDING

A building for use incidental to construction work that may be erected in any of the zoned districts herein established, and which shall be removed once the construction is completed.

## TERRACE

A natural or artificial embankment between a building and its lot lines.

## TOURIST DWELLING

One or more rooms offered for overnight accommodation for transient guests for compensation, whether offered with or without customary hotel services.

## TRAILER OR MOBILE HOME

Any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conduct of any business, trade or occupation, or use as selling or advertising device, or use for storage or conveyance for tools, equipment, or machinery and so designed that

it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor powers. A mobile home does not qualify as a manufactured home and is not HUD approved.

## TRAILER PARK OR MOBLIE HOME PARK

A tract or parcel of land open to the public upon which spaces for trailers or mobile homes are provided for a consideration, whether for overnight, by the day, the week, the month, or longer.

## WALL

A continuous vertical brick or stone structure that encloses or divides an area of land.

## YARD

An open, unoccupied space, other than a court, on the same lot with a building, unobstructed from the ground to the sky, except as otherwise provided herein.

## YARD, FRONT

An open unoccupied space on the same lot with a building, between the front line of a building and the front line of the lot, excluding steps and open terrace. In the event that a lot consists of more than one parcel, the front yard shall be considered to extend the entire width of each parcel – for example, to be used to determine where an accessory structure may be located on a parcel that does not have a principal structure.

## YARD, REAR

An open unoccupied space on the same lot with a building between the rear line of the building (excluding accessory buildings) and the rear line of the lot, extending the full width of the lot. In the event that a lot consists of more than one parcel, the rear yard shall be considered to extend the entire width of each parcel – for example, to be used to determine where an accessory structure may be located on a parcel that does not have a principal structure.

## YARD, REAR, DEPTH OF

The mean distance between the rear line of the building and the center line of the alley (provided an alley exists), otherwise the rear lot line.

## YARD, SIDE

An open unoccupied space on the same lot with a building between the building and the side line of the lot extending through from the street line to the rear yard.

## ZONING CERTIFICATE or ZONING PERMIT

A statement signed by the Township Zoning Inspector, setting forth that a building or structure complies with the Zoning Resolution or that a building structure or parcel of land may lawfully be employed for specified uses, or both.

## ZONING MAP

The Zoning Districts Map of Muskingum Township, Washington County, Ohio.

## Section 1.02 SHORT TITLE

This Resolution shall be known as the "Zoning Resolution," and the map herein referred to indicating the boundaries of each District which is identified by the title "Township of Muskingum, Washington County, State of Ohio, Zoning Map", and which, together with the legends, words, figures, letters, symbols, and explanatory matter thereon, is hereto attached and hereby declared to be and made a part of this ordinance, shall be known as the "Zoning Map".

## Section 1.03 DISTRICT REGULATIONS

That, for the purpose of regulating and restricting the location of building and other structures and of premises to be used for trade, industry, residence or other specified uses; and for the purpose of regulating the bulk and location of buildings and other structures hereafter erected or altered, set back building lines, and the area of yards, courts and other open spaces; the Township of Muskingum, County of Washington, State of Ohio, is hereby divided into Four Classes of Districts.

The use and area regulations shall be uniform in each class of District and said districts shall be known as:

| | |
|---|---|
| "R" | Residence District; |
| "R-2" | Multiple Dwelling District |
| "C" | Commercial District; |
| "I" | Industrial District; and |
| "U" | Unrestricted District |

The Districts are hereby established as designated on the Zoning Map.

## Section1.04 APPLICATION OF REGULATIONS

Except as hereinafter provided:

1. Hereafter no land shall be used or occupied and no building or structure shall be erected, altered, used or occupied, except in conformity with the regulations prescribed by this Resolution for the District in which such land, or building or structure is located as shown by the Zoning Map.

2. In cases of mixed occupancy, the zoning regulations shall apply to the whole of the lot affected.

3. No yard, court or other open space, provided about any building or structure for the purpose of complying with the provisions of this Resolution, shall be considered as a yard, court or other open space for more than one building or structure.

4. Inconsistencies: In the event any of the requirements or regulatory provisions of these regulations are found to be inconsistent one with another, the more restrictive or greater requirements shall be deemed in each case to be applicable.

# ARTICLE II

## "R" RESIDENCE DISTRICT REGULATIONS

## Section 2.01 PERMITTED USES

In the "R" Residence District, no building or premises shall be used and no building therein shall be erected or altered, unless otherwise provided in this Resolution, except for the following uses:

1. Single Family Dwellings
2. Churches or other places of worship, including parsonages or convents
3. Municipal utilities and buildings
4. Public libraries and museums
5. Public parks, public playgrounds, public recreation buildings and community centers
6. Public water supply reservoirs, towers or filter beds
7. School
8. Farming and the buildings necessary thereto
9. Uses customarily incidental to any of the above purposes, but not including the conduct of any retail or wholesale business, manufacture or repair
10. Home office permitted

Permitted uses remain subject to review and issuance of a zoning permit, where applicable, by the Township.

## Section 2.02 GENERAL REQUIREMENTS

TEMPORARY BUILDINGS

1. Temporary building or buildings shall be removed upon the completion or abandonment of the construction work. Under no circumstance shall a temporary building remain erected for over one (1) year from the start of construction, nor shall any temporary building be used as a dwelling at any time.

PORTABLE STORAGE UNITS.

1. Portable Storage Units may be permitted as a temporary use in any residential zoning district only in conjunction with and not to exceed the times listed for the following activities:
   A. Temporary use, including open top dumpsters and bagsters, for construction sites as accessory to and in association with an on-going construction project at such site for a period of up to one hundred and eighty (180) total days in any three hundred sixty-five (365) consecutive day period or upon the completion of the project, whichever occurs sooner.
   B. Temporary use, including open top dumpsters and bagsters, when the occupant of the property on which the portable storage unit is located is relocating for a period not to exceed fourteen (14)

consecutive days and no more than twenty-one (21) total days in any one hundred eighty (180) consecutive day period.

C. Temporary use, including open top dumpsters and bagsters to facilitate temporary activities not described in Section 1 or 2, above, for a period not to exceed consecutive days and no more than twenty-one (21) fourteen (14) total days in any one hundred eighty (180) consecutive day period.

2. Portable storage units, including open top dumpsters and bagsters, shall be subject to the following requirements:

A. A portable storage unit shall not exceed one hundred sixty-nine (169) square feet in size and eight (8) feet in height.

B. Not more than two (2) portable storage units shall be permitted on any property at any time.

C. No portable storage unit shall be located in a public right-of-way.

D. Portable storage units shall be located no closer to an adjacent property than the greater of ten (10) feet or the required minimum side or rear yard setback for accessory buildings in the district in which the unit is located.

E. Portable storage units shall only be used for the storage of personal property and for no other purpose whatsoever.

F. The placement of portable storage units shall be in such manner as not to create a public nuisance.

G. A portable storage unit is not permitted as a permanent accessory storage structure regardless of the proposed location on a property.

ACCESSORY BUILDINGS

1. No accessory building or structure over 120 square feet shall be erected, installed, or placed on a lot without the issuance of a permit and payment of permit fee.
2. Skid mounted accessory buildings with a bottom surface area of 120 square feet or less and a maximum height of 12 feet shall be considered permitted structures.
3. Notwithstanding the provisions of this section, a skid mounted accessory building with a bottom surface area of 120 square feet or less and a maximum height of 12 feet may be placed on a contiguous lot, with the primary residence, of the same ownership. Such building shall be removed if it no longer complies with this article.
4. All accessory uses, buildings, and structures shall meet the following requirements:

A. Accessory building shall be located in the rear yard.

B. No more than two accessory buildings may be located on a residential lot.

C. Accessory buildings may only be built concurrently with or subsequent to the erection of the main building.

D. Accessory buildings shall follow the following setbacks:

i. Rear: There shall be a setback of not less than 6 feet in width from the farthest projection of the structure to the rear lot line.

ii. Side: There shall be a setback of not less than 6 feet in width from the farthest projection of the structure to the side lot line.
iii. Corner and through Lots: shall be required to have a 54-foot setback from the centerline of all adjacent streets to the farthest projection of the structure.

E. Size Limitations. The total combined square footage for all accessory buildings per lot is as follows:
   i. Residential: Square footage is limited to the smallest of 3% of the Lot Area or 20% of the footprint of the house with a maximum height of 12 feet.
   ii. Agricultural: On lots between 1 and 5 acres in size, square footage limited to 10% of the lot size with a maximum height of 20 feet. With an exception for lots of five acres or more.

F. Accessory buildings shall not be located in any right-of-way.

G. Accessory buildings shall not be used in or involve the conduct of a business of any kind.

H. Accessory buildings shall not be closer than six feet from any principal building on the same lot and no less than six feet from any other building on the lot.

I. Accessory buildings shall not be used as living quarters.

J. Accessory buildings are for use by the owner or tenant/occupant of the property only.

K. Accessory uses, buildings, and structures used in and for agriculture shall be subject to the provisions of applicable law, including but not limited to, R.C. 519.21.

STORAGE OF RECREATIONAL VEHICLES OR TRAILERS

1. A recreational vehicle or trailer may be stored on the property, provided that it shall:

A. A maximum of two recreational vehicles or trailers may be stored outside of a building on any lot containing a dwelling unit. Only one such recreational vehicle or trailer may be equal to or greater than nine feet in height and twenty feet in length.

B. A parked or stored recreational vehicle or trailer shall not be connected to water, gas, or sanitary sewer facilities, and at no time shall this equipment be used for storage, living, or housekeeping purposes.

C. Wheels or any similar transporting device shall not be removed, except for service, nor shall any trailer be permanently affixed to the ground.

D. Any recreational vehicle or trailer parked or stored on the property outside must be functional or operational and maintained in good condition with the body or exterior intact.

E. Such vehicles or trailers must be owned or leased by the property owner or property tenant/occupant.

F. All vehicles or trailers shall have current license plates if required.

G. No recreational vehicle or trailer shall be parked or stored on any vacant property.

H. Lots with 50 feet or more of river frontage may have recreational vehicles or trailers on their property.

I. No recreational vehicle or trailer shall be located so as to adversely affect the vision of drivers on the public streets or from driveways intersecting public streets. In addition, recreational vehicles or trailers shall not visibly obscure, hide, or screen fire hydrants, street address/numbering, or other security or emergency service equipment, controls, or components.

J. Notwithstanding the provisions of this section, recreational vehicles may be parked anywhere on the premises, following section H, for loading or unloading purposes for a period no exceeding forty-eight (48) hours provided a period of at least forty-eight (48) hours transpires between events.

K. Recreational Vehicle or trailer Driveway storage is permitted, provided that it shall:

i. Stored no closer than 20 feet from any public street.
ii. Only one recreational vehicle or trailer may be stored in the driveway.
iii. No storage is permitted in the rest of the front yard area (including, on a corner lot, the area between the principal structure and a public street), or in any right-of-way.

L. Recreational Vehicle or trailer Side yard storage is permitted, provided that it shall:

i. Be stored parallel to the structure.
ii. Be setback not less than 6 feet in width from the nearest projection of the vehicle to the side lot line.
iii. Be setback not less than 54 feet from any street frontage.

M. A recreational vehicle or trailer may be stored in the rear yard, provided that it shall:

i. Be setback of not less than 6 feet in width from the nearest projection of the vehicle to the rear lot line.
ii. Be setback not less than 54 feet from any street frontage.

MODULAR HOMES

Modular homes meeting all the same applicable siting and construction requirements as a site-built home.

TEMPORARY SIGNS

1. Permitted Temporary Signs in All Districts. The following shall apply to any temporary sign. No zoning permit shall be required for any sign constructed or erected under the terms of this Section.
2. Freestanding Contractor/Service Provider Signs: One (1) freestanding contractor/Service provider sign shall be permitted per property during the ongoing services, repairs and/or renovations of any existing structure provided such sign does not exceed a total area of four (4) square feet and a maximum height of three-and-one-half (3.5) feet measured from ground level and not more than 2 sides. Any such sign shall be removed at the completion of on-site work.
3. Real Estate Signs: Each residential dwelling unit, each residentially zoned vacant property, and each non-residential property, whether developed or vacant, shall be permitted to erect one temporary sign advertising the sale and/or rental of property or land either in a window or as a freestanding sign out of the right-of-way. Any such sign shall be promptly removed when the property is sold or rented.
4. One (1) sign, which shall not exceed two (2) square feet in area and not more than 2 sides in conjunction with lawful uses of the premises, which shall be displayed for a period no more than fourteen (14) days. This does not apply to election-related signs.
5. Each residential unit shall be permitted one (1) temporary sign promoting a garage sale or other similar household sale, provided such permitted sign is located on the property on which such sale will occur, for a period not to exceed seventy-two (72) hours and no more than three (3) times in any twelve (12) month period. In addition, one (1) off-site directional sign shall be permitted with

the permission of the off-site property owner or authorized representative.

6. Temporary signs shall not be located in a public right-of-way.
7. Temporary Special Event Signs for Non-Residential Uses in Commercial and Industrial:

A. One (1) temporary freestanding special event sign or banner shall be permitted on the location of the special event for such use for a period not to exceed fourteen (14) days in duration. Such signs shall not be in any street right-of-way. For a property with multiple tenants, each tenant is also permitted one (1) temporary sign and shall comply with the above time provision.

B. One (1) temporary sign for hiring purposes shall be permitted in front of the building.

PROHIBITED SIGNS

All signs not specifically permitted, are prohibited, including, but not limited to:

1. Signs located on or supported by trees, utility poles, public benches, guardrails, or any other form of public property, or within any public right-of-way.
2. Abandoned Sign: Any sign that no longer identifies or advertises a business, lessee, service, owner, product, or activity currently existing on the property for which the sign is intended to refer.
3. Animated, flashing, rotating, or inflatable signs and festoons, tethered balloons, banners, pennants, searchlights, streamers, exposed light bulbs, strings of lights not permanently mounted to a rigid background, and any clearly similar features, except those specifically exempt from regulation

SIGNS EXEMPT FROM REGULATION

The following signs shall be exempt from regulation under this Zoning Resolution:

1. Any sign erected by a public authority, or by a public service organization granted permission by a public authority, within a public right-of-way, or on private property when required by law, and intended to control traffic, direct, identify or inform the public, or provide a needed public service as determined by the rules and regulations of the sponsoring public authority.

2. Works of art and religious artifacts.

3. Temporary lights, decorations or displays celebrating the occasion of patriotic or religious holidays, or other publicly celebrated holidays.

HOME OFFICE

1. A home office shall be permitted within a dwelling unit provided it does not occupy more than twenty percent (20%) of the gross floor area of the dwelling unit or two hundred (200) square feet, whichever is larger.

2. A home office is an accessory use of a dwelling for a legitimate business, whether or not for profit, carried on within an enclosed dwelling residing therein and provided;

A. The occupation is clearly incidental and secondary to the use of the dwelling for residential occupancy and there shall be no substantial indication of the non-residential

use of the premises which is visible or apparent as viewed from off the premises; and

B. No direct selling of retail, wholesale items, or services is permitted from the home office; and

C. No advertising may include the residential address; and

D. No visible display of goods from the exterior of the house; and

E. Only residential trash service is permitted; and

F. No person, other than those residing on the premises, shall own or operate such office.

G. Not more than one (1) non-resident employee shall be reporting to work at the dwelling at any one time in such occupation; and

H. There shall be no change in the outside appearance or renovation of the building or premises to accommodate the home office; and

I. No home office/ shall be conducted in any accessory building or structure; and

J. The exterior access to the space devoted to the home office shall not be used exclusively for such use; and

K. No equipment or process shall be used in such home office which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment and/or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises; and

L. No "commercial vehicles", having dual axles, designed for the transportation of cargo including tractor-trailers shall be used for the delivery of materials to or from the premises in conjunction with the conduct of a home occupation; and

M. No traffic shall be generated by such home office/ in greater volumes than would normally be expected a street in the zones area of Muskingum Township, inclusive of all home offices on the street; and

N. No signs shall be permitted indicating that there is a home office in or on the premises; and

O. There shall be no outdoor storage of equipment or materials used in the home office; and

P. The storage, sale, or abandonment of waste paper, rags, scrap metal, discarded materials, construction debris, or the collecting, dismantling, storage, salvaging or abandonment of machinery, appliances, scrap metal or vehicles is specifically prohibited as a home occupation.

Q. A home office shall be carried out in such a manner so as not to create a need for additional parking or parking in the right of way.

ROOF MOUNTED SOLAR PANELS (aggregate capacity of less than 50 megawatts):

Roof mounted solar panels are a permitted accessory structure in all Zoning Districts, subject to the following requirements.

1. All solar panel installations shall comply with all applicable local and state building,

electrical, plumbing, and NFPA codes and maintained in good working order

2. The proposed solar panel system shall be no larger than necessary to provide 120 percent of the electrical energy requirements of the structure to which it is accessory to as determined by a contractor licensed to install solar energy systems.
3. All roof mounted solar panels on a principal structure when installed shall be flush mounted on the roof.
4. All roof mounted solar panels shall not extend higher than the peak of a sloped roof or higher than five (5) feet from the top of a flat roof. Requirements of the State of Ohio Fire Code must be adhered to regarding placement of panels and disconnects.

FENCES AND HEDGES

1. No fence or hedge shall be erected without the issuance of a Certificate of Zoning Compliance and permit fees have been paid. Applications for such permit shall include plans and drawings showing the actual and accurate shape and dimensions of the property upon which the fence or hedge is to be erected; the exact height, location, length, type of material and type of construction of such proposed fence ; the location of the buildings on the lot; or any such other information as deemed necessary for such permit.
2. Fences currently erected that meet the provisions of this section and are being replaced with the exact height, location, length, and type of material of the current fence are allowed and no permit or permit fee is required.
3. Notwithstanding the provisions of this section removable garden fencing that is not permanently installed in the ground, under 6 feet tall, in the back or side yard and is subject to applicable setback requirements is allowed and no permit or permit fees are required.
4. Small portions of fences, such as decorative fencing used for landscaping, that are not longer than 20 (twenty) feet in length or taller than 36 (thirty-six) inches in height shall not require a zoning permit.
5. This section shall not be construed or applied to prohibit underground invisible fences installed for the purpose of confining pets to the property.
6. No fence or hedge or other landscaping plantings or materials shall be located within any drainage easement, or apparent drainage course for any parcel or subdivision which would be detrimental to the public health safety and welfare.
7. No fence or hedge or landscape plantings or materials shall be located in any public right of way. No fence or hedge or landscape plantings or materials shall be located so as to adversely affect the vision of drivers on the public streets or from driveways intersecting public streets. In addition, no fence , hedge, plantings or landscape plantings or materials shall visibly obscure, hide, or screen fire hydrants, street address numbering, or other security or emergency service equipment, controls or components.
8. The height of a fence, or hedge shall be measured from the established grade line to the highest point of the fence posts and finials. Any light fixture placed on a pier or post may not exceed a height of one (1) foot. The height may not be artificially increased by the use of mounding unless otherwise required by the zoning district regulations.
9. All fences shall be structurally sound, safe, and properly finished at all times. Fences

shall be designed, constructed, and finished so the supporting members thereof shall face the property of the owner of the fence. Ground areas between fences and property lines and between fences shall be kept properly maintained at all times.

10. Setback and height requirements shall apply to all public street frontages.
11. Fencing or hedges located in front of the principal structure, shall not exceed thirty-six (36) inches in height and shall not protrude into the road right of way.
12. Fencing or hedges located in rear and/or to the side of the principal structure, shall not exceed seventy-two (72) inches in height and shall be located within the land owner's property.
13. Only the following fence types shall be allowed:
    A. Open fences, partially open fences, and hedges are permitted in any yard, or along the edge of any yard, subject to applicable setbacks.
    B. Solid fences shall be permitted in the rear yard only.
14. Fencing of the following fence types shall not be permitted:
    A. Fences, or other landscaping equipped with or having barbed wire, spikes, sharp points or any similar device or an electrical charge sufficient to cause shock shall be prohibited.
    B. In addition, chicken wire, pallets, guard rail poultry wire or hex netting fence consisting of a galvanized or PVC coated material shall be prohibited, except when used as temporary garden fencing

AGRICULTURAL USES

As provided in by the Ohio Revised Code, Section 519.21, the following restrictions are established to regulate agricultural uses on applicable lots:

1. All agricultural uses, except as provided in the section "Raising and Keeping of Chickens" with respect to chickens, and well-maintained gardens for personal consumption, shall be prohibited, on lots of one (1) acre or less if they are

    A. In platted subdivisions, or:

    B. In any area which consists of 15 or more lots approved under ORC 711.131 that are contiguous or some of which are contiguous to one another and adjacent to one side of a public road and the balance of which are contiguous to one another and adjacent to the opposite side of the same public road.

    C. Agricultural uses shall be regulated on lots greater than one (1) acre but less than five (5) acres as follows:
        i. Buildings or structures incident to the use of the land for agriculture shall be permitted, provided such buildings and structures comply with setback regulation set forth in Section 2.04 Yard and Area Regulation for Residential Uses and size regulations as set forth in Section 2.02, except as provided in item ii below.

ii. Note that a building or structure used for storing or sheltering mowers and/or yard maintenance tools is NOT considered an agricultural building.
iii. Any building or structure in which five (5) or fewer animals, are housed that are owned or used for agricultural purposes shall be set back a minimum of 100 feet from any other lot in an Improved Platted Subdivision when at least 35% of the lots in the subdivision are developed with at least one building structure, or improvement that is subject to real property taxation or that is subject to the tax on manufacture and mobile homes.
iv. After 35% of the lots are so developed, dairying and animal and poultry husbandry shall be considered nonconforming use of land or buildings.
v. Any building or structure in which more than five (5) animals that are owned or used for agricultural purposes are housed shall be set back a minimum of 200 feet from any lot in an Improved Platted Subdivision. Chickens will follow the setbacks set forth in the section "Raising and Keeping of Chickens".
vi. Any building or structure shall comply with the requirements of an accessory building.
vii. Chickens shall be raised and kept in accordance with the regulations set forth in the section "Raising and Keeping of Chickens".
viii. Lots five (5) acres or more: In accordance with the Ohio Revised Code, the township has no power to regulate agriculture, buildings or structures, and dairying, animal or poultry husbandry on lots five (5) acres or more.
ix. However, farm markets (roadside stands) where less than 50% 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 shall meet minimum yard setbacks as listed in the districts in which they are located.

AGRITOURISM

In accordance with 519.21 of the Ohio Revised Code, agritourism uses shall be a permitted use in all zoning districts. However, in order to protect the public health and safety, the following additional regulations shall apply:

1. A farm on which an agritourism operation is proposed shall be ten (10) acres or more in area. If such farm is less than ten (10) acres, evidence shall be provided that such farm is currently enrolled in the Current Agricultural Use Value (CAUV) program or produces an average yearly gross income of at least twenty-five hundred dollars ($2,500) from agricultural production.
2. All buildings, structures and parking areas utilized primarily for agritourism shall adhere to the minimum front, side, and rear yard setbacks established for the zoning district in which it is located.
3. All parking demands shall be met by off-street parking areas located on the lot.
4. Safe and adequate ingress and egress shall be maintained at all times and appropriate arrangements for emergency access shall be provided.
5. In addition to the requirements of Chapter 220, and in order to determine compliance with any of the provisions of this Section, the Zoning Inspector may require such additional information as may be necessary. That shall include, but not be limited to estimates of peak parking demand, information related to proposed hours and seasons of operations, and evidence of compliance

with the regulations and recommendations of other relevant public agencies, as applicable.

RAISING AND KEEPING OF CHICKENS

**Section 1. Purpose**

The purpose of this article is to provide minimum standards for the keeping of domesticated chickens. This article enables residents to keep chickens on a noncommercial basis as an accessory use to a residence, while limiting the adverse effects of the activity on surrounding properties. Such adverse effects can include noise, odors, unsanitary conditions, attraction of predators, chickens running at large, unsightly conditions, and similar adverse conditions.

**Section 2. General Regulations**

1. Domesticated chickens shall be kept for pets or the private consumption of their eggs by members of the household, and not for commercial purposes. In no case shall any product produced or made as a result of the keeping of chickens as provided in this section be offered for sale on any property zoned for residential use.

2. Hens of other species are not allowed (i.e., pea fowl hens, guinea fowl hens, others).

3. No rooster shall be permitted on any lot less than five acres.

4. The slaughtering of chickens in residential districts is prohibited.

5. Chickens shall only be kept in the rear yard.

6. Chickens must be secured inside the coop from dusk to dawn.

7. Chickens shall be kept in an enclosed structure at all times. No chicken shall be permitted to roam freely.

8. All feed, water and other items associated with the keeping of chickens shall be protected in a way that prevents infestation by rats, mice or other rodents or vectors.

9. The slaughtering of chickens in residential districts is prohibited.

**Section 3. Lot Size and Limits on Numbers of Chickens.**

1. Minimum lot size. 10,000 sq. ft.
2. Number of chickens per lot.

A. Twelve chickens shall be permitted for up to the first one acre.

B. One additional chicken shall be permitted for each additional 1/4 acre.

C. Notwithstanding there shall be no limit on the number of chickens on lots over five acres.

**Section 4. Structure**

1. Chickens may roam in the rear yard, outside the pen and yard, during daylight hours, if supervised and within an area completely enclosed by a fence with a minimum height of 4'; chickens must be secure in a coop and pen during non-daylight hours;

2. Chickens and their enclosures shall be kept in neat, clean, and sanitary condition, free from offensive odors, excessive noise, or any other condition that would constitute a nuisance

**Section 5. Setbacks**

1. The coop and the run must be located at least ten from all property lines.

2. All food shall be stored in tight-fitting containers and located a minimum of twenty (20) feet from all property lines.

FARM MARKET

Farm markets that derive at least fifty percent of their gross income from produce raised on farms owned or operated by the farm market operator in a normal crop year are permitted in any zoning district, subject to the following regulations:

1. Temporary and seasonal buildings, tents, trailers and other structures associated with a seasonal and temporary farm market shall be placed outside of the road right-of-way and located at least 25 feet from the edge of any road pavement so as to safely allow for adequate ingress and egress and for customer off-street parking. Seasonal and temporary farm markets may use marked grassed areas reasonably cleared and limited in size for parking. In no case shall any portion of any road pavement be used for or considered customer parking to serve a farm market. The farm market operator shall obtain a driveway permit from the Muskingum Township or, if applicable, the Washington County Engineer or the Ohio Department of Transportation. Temporary and seasonal farm markets are farm markets that are open to the public and operate for no more than a total of 90 calendar days in a calendar year. Any temporary and seasonal buildings, tents, trailers and other structures associated with a farm market remaining for more than ninety (90) days in a calendar year shall be considered structures associated with a permanent farm market and shall comply with the provisions of subsection (2) below.
2. All buildings and structures associated with a permanent farm market shall comply with the applicable setback requirements for the underlying zoning district. Parking for permanent farm markets shall be graveled or paved and provide ingress and egress.
3. Operators of a permanent farm market shall obtain a driveway permit from Muskingum Township or, if applicable, the Washington County Engineer or the Ohio Department of Transportation. Off-street parking shall be provided at a ratio of one space for each 100 square feet of farm market. Permanent farm markets are farm markets that are open to the public and operate for more than 90 calendar days in a calendar year.
4. No more than one sign for a permanent or temporary and seasonal farm market denoting the name and address of the operator, denoting produce or products for sale on the premises and denoting membership in organizations may be permitted on a property. Farm market signs shall be located at least ten feet outside the road right-of-way and may not exceed twelve (12) square feet of area per side.

## Section 2.03 NON-PERMITTED USES:

1. Any uses that may be noxious or offensive by reason of the emission of odor, dust, smoke, gas, noise, or uses inconsistent to the character of the neighborhood are prohibited.
2. Any single wind turbine or wind turbine farm generator or anemometer or any parts thereof, shall be prohibited in all classes of Zoning Districts. Anemometers used in conjunction with small weather stations are acceptable.
3. Except for commercial vehicles with a gross vehicle weight of up to 14,000 pounds, no commercial vehicles may be parked on residential lot; except for the purpose of making a delivery or pickup. Commercial vehicles, including trucks with two (2) or more axles with or without a trailer, buses, or large delivery vans are not permitted. Trailers used for commercial purposes shall fall under this same prohibition.
4. Uses not listed as permitted are prohibited.

## Section 2.04 YARD AND AREA REGULATIONS FOR RESIDENTAL USES

### FRONT YARD SETBACK

There shall be a setback of not less than fifty-five (55) feet from the center line of the street to the front line of the building and not less than forty-five (45) feet to the front line of a one-story porch or any projection thereof excluding steps and open terraces, and provided further that:

1. Where forty percent (40%) or more of the frontage in a block is built up with buildings, the majority of which have an average setback with a variation of not more than six (6) feet, a building hereafter erected or structurally altered may project to but shall not project beyond the average setback line so established;

### REAR YARD SETBACK

There shall be a rear yard having a depth of not less than forty (40) feet from the rear lot line to the rear building line and not less than twenty (20) feet from an uncovered patio.

### SIDE YARD SETBACK

There shall be a side yard on each side of a building of not less than eight (8) feet in width to the lot line.

### CORNER LOT SETBACK

On corner lots, the required minimum front yard setback shall be provided from each road or street.

### THROUGH LOT SETBACK

Where a lot is considered a through lot, the required minimum front building setback shall be provided from each road or street.

## Section 2.05 SITE DEVELOPMENT STANDARDS

| Site Development Standards | |
|---|---|
| Lot Area - no public sanitary sewer | Determined by the health department |
| Lot area – with public sanitary sewer | 15,000 Feet |
| Minimum Lot Width | 75 Feet |
| Minimum Lot Street Frontage | 30 Feet |
| Building Dimensions | 900 square feet at ground level |
| Parking | Minimum of two (2) off-street spaces |

**Lot Area** – The square footage contained within the lot lines, excluding any street right-of-way. The land lying within private streets (i.e., within a condominium allotment development), shall not be included as part of the area

**Lot Width** - There shall be a lot width of seventy-five (75) feet or more at the front line of the dwelling.

**Street Frontage Required** - All lots used for residential purposes shall have Thirty (30) feet or more of frontage on a public dedicated right-of-way.

**Building Dimensions** - Each structure shall have a living area of not less than nine hundred (900) square feet on the first floor. All such living areas shall be exclusive of basements, porches or garages.

**Parking** – A minimum of two (2) off-street parking spaces shall be provided, at the time of construction of the main structure or building with adequate provisions for ingress and egress.

# Article III

## "R-2" MULTIPLE DWELLING DISTRICT REGULATIONS

In the "R-2" Residence District, no building or premises shall be used and no building therein shall be erected or altered, unless otherwise provided in this Resolution, except for the following uses:

## Section 3.01 PERMITTED USES

1. Condominiums
2. Multi-family living
3. Uses customarily incidental to any of the above purposes, but not including the conduct of any service, retail or wholesale business, manufacture or repair.
4. Home office

## Section 3.02 GENERAL REQUIREMENTS

Same as R-1 Section 2.02

## Section 3.03 NON-PERMITTED USES:

1. Any uses that may be noxious or offensive by reason of the emission of odor, dust, smoke, gas, noise, or uses inconsistent to the character of the neighborhood are prohibited.
2. Any single wind turbine or wind turbine farm generator or anemometer or any parts thereof, shall be prohibited in all classes of Zoning Districts. Anemometers used in conjunction with small weather stations are acceptable.
3. Uses not listed as permitted are prohibited.

## Section 3.04 YARD AND AREA REGULATIONS FOR R-2 USES

Rear Yard, Side Yard, and Setback: In a "R-2" District, a building shall not require a front, rear, or side yard. Setback as established in Article II, Residence District Regulations, is only required when bordering on an "R" Residence District and not separated there from by a street or alley, in which case a side yard shall be provided should there be a setback adjacent to such district and equal in width to that required therein, and rear yard equivalent in depth to that required therein.

# ARTICLE IV

## "C" COMMERCIAL DISTRICT REGULATIONS

### Section 4.01 PERMITED USES:

In the "C" Commercial District, land may be used and building or structures may be erected, altered or used for any use permitted in the "R" Residence District together with the following uses, of which all building shall be no more than one (1) story high and contain no more than 2,500 square feet of under-roof space:

1. General Merchandise Stores, such as:
   - Department Stores
2. Food Stores, such as:
   - Grocery Stores
   - Fruit and Vegetable Markets
   - Candy, Nut and Confectionery
   - Dairy Products Stores
   - Retail Bakeries
3. Apparel and Accessory Stores, such as:
   - Clothing Stores
   - Shoe Stores
4. Miscellaneous Retail, such as:
   - Book Stores
   - Stationary Stores
   - Sewing/Needlework/Piece Goods
5. Personal Services, such as:
   - Coin-Op Laundries and Cleaners
   - Photographic Studios, Portrait
   - Beauty Shops
6. Miscellaneous Services, such as:
   - Security Brokers & Dealers
   - Investment Advice
   - Insurance Agents, Brokers
   - Real Estate Agents & Managers
   - Restaurants and other similar uses
7. Professional Offices, including:
   - Physicians
   - Attorneys
   - Psychiatrists
   - Veterinarians
   - Other such professional offices

8. Roof mounted solar panels are a permitted accessory structure in all Zoning Districts, subject to the following requirements.

   A. All solar panel installations shall comply with all applicable local and state building, electrical, plumbing, and NFPA codes and maintained in good working order.

   B. The proposed solar panel system shall be no larger than necessary to provide 120 percent of the electrical energy requirements of the structure to which it is accessory to as determined by a contractor licensed to install solar energy systems.

   C. All roof mounted solar panels on a principal structure when installed shall be flush mounted on the roof.

   D. All roof mounted solar panels shall not extend higher than the peak of a sloped roof or higher than five (5) feet from the top of a flat roof. Requirements of the State of Ohio Fire Code must be adhered to regarding placement of panels and disconnects.

   E. All roof mounted solar panels shall not extend higher than the peak of a sloped roof or higher than five (5) feet from the top of a flat roof. Requirements of the State of Ohio Fire Code must be adhered to regarding placement of panels and disconnects.

9. Temporary Signs

   A. Permitted Temporary Signs in All Districts. The following shall apply to any temporary sign. No zoning permit shall be required for any sign constructed or erected under the terms of this Section.

      i. Freestanding Contractor/Service Provider Signs: One (1) freestanding contractor/Service provider sign shall be permitted per property during the ongoing services, repairs and/or renovations of any existing structure provided such sign does not exceed a total area of four (4) square feet and a maximum height of three-and-one-half (3.5) feet measured from ground level and not more than 2 sides. Any such sign shall be removed at the completion of on-site work.

      ii. Real Estate Signs: Each residential dwelling unit, each residentially zoned vacant property, and each non-residential property, whether developed or vacant, shall be permitted to erect one temporary sign advertising the sale and rental of property or land either in a window or as a freestanding sign out of the right-of-way. Any such sign shall be promptly removed when the property is sold or rented.

      iii. One (1) sign, which shall not exceed two (2) square feet in area and not more than 2 sides in conjunction with lawful uses of the premises, which shall be displayed for a period no more than fourteen (14) days. This does not apply to election-related signs.

      iv. Each residential unit shall be permitted one (1) temporary sign promoting a garage sale or other similar household sale, provided such permitted sign is located on the property on which such sale will occur, for a period not to exceed seventy-two (72) hours and no more than three (3) times in any twelve (12) month period. In addition, one (1) off-site directional sign shall be permitted with the permission of the off-site property owner or authorized representative.

      v. Temporary signs shall not be located in a public right-of-way.

B. Temporary Special Event Signs for Non-Residential Uses in Commercial and Industrial:

i. One (1) temporary freestanding special event sign or banner shall be permitted on the location of the special event for such use for a period not to exceed fourteen (14) days in duration. Such signs shall not be in any street right-of-way. For a property with multiple tenants, each tenant is also permitted one (1) temporary sign and shall comply with the above time provision.

ii. One (1) temporary sign for hiring purposes shall be permitted in front of the building.

PROHIBITED SIGNS

All signs not specifically permitted are prohibited, including, but not limited to:

1. Signs located on or supported by trees, utility poles, public benches, guardrails, or any other form of public property, or within any public right-of-way.

2. Abandoned Sign: Any sign that no longer identifies or advertises a business, lessee, service, owner, product, or activity currently existing on the property for which the sign is intended to refer.

3. Animated, flashing, rotating, or inflatable signs and festoons, tethered balloons, banners, pennants, searchlights, streamers, exposed light bulbs, strings of lights not permanently mounted to a rigid background, and any clearly similar features, except those specifically exempt from regulation

SIGNS EXEMPT FROM REGULATION

The following signs shall be exempt from regulation under this Zoning Resolution:

1. Any sign erected by a public authority, or by a public service organization granted permission by a public authority, within a public right-of-way, or on private property when required by law, and intended to control traffic, direct, identify or inform the public, or provide a needed public service as determined by the rules and regulations of the sponsoring public authority.

2. Works of art and religious artifacts.

3. Temporary lights, decorations or displays celebrating the occasion of patriotic or religious holidays, or other publicly celebrated holidays.

## Section 4.02 NON-PERMITTED USES

1. Any uses that may be noxious or offensive by reason of the emission of odor, dust, smoke, gas, noise, or uses inconsistent to the character of the neighborhood are prohibited.
2. Any single wind turbine or wind turbine farm generator or anemometer or any parts thereof, shall be prohibited in all classes of Zoning Districts. Anemometers used in conjunction with small weather stations are acceptable.
3. Uses not listed as permitted are prohibited.

## Section 4.03 YARD AND AREA REGULATIONS FOR COMMERCIAL USES

Rear Yard, Side Yard, and Setback: In a "C" Commercial District, a building other than a dwelling shall not require a front, rear, or side yard. Setback as established in Article II, Residence District Regulations, is only required when bordering on an "R" Residence District and not separated there from by a street or alley, in which case a side yard shall be provided should there be a setback adjacent to such district and equal in width to that required therein, and rear yard equivalent in depth to that required therein.

## Section 4.04 CHANGE OF USE OR OCCUPANCY

A permit shall be required for any change of use or change of occupancy of any commercial premises, prior to the actual change of use or actual change of occupancy. Upon application and payment of the permit fee, the Zoning Inspector shall notify the various other governmental agencies including without limitation the fire department, the health department, the county permit office; and other township officials of the change of use or occupancy.

# ARTICLE V

## "I" INDUSTRIAL DISTRICT REGULATIONS

### Section 5.01 PERMITED USES

In the "I" Industrial District, land may be used and building or structures may be erected, altered or used for any use permitted in the "R"

All "C" commercial district uses together with the following uses:

1. Textile Mill Products, such as:
   - Broad woven Fabric Mills, Cotton
   - Narrow Fabric Mills
   - Hosiery
   - Knit Outwear Mills

2. Apparel, Fabric-Finished Products, such as:
   - Men and women clothing
   - Children Clothing
   - Curtains & Draperies
   - Pleating & Stitching

3. Printing and Publishing, such as:
   - Periodicals
   - Book Publishing
   - Book Printing
   - Miscellaneous Publishing
   - Commercial Printing, Litho

4. Fabricated Metal Products, such as:
   - Metal Cans
   - Cutlery
   - Metal Doors, Sash & Trim
   - Architectural Metalwork
   - Bolts, Nuts, Rivets &
   - Washers Wire springs

5. Electronic and Electrical Equipment, such as:
   - Household Cooking Equipment
   - Household Refrigerators & Freezers
   - Electric House wares & Fans
   - Residential Lighting Fixtures
   - Household Audio & Video Equipment
   - Printed Circuit Boards
   - Computer and telecommunications equipment, warehouse, and other related fabricated products

6. Roof mounted solar panels are a permitted accessory structure in all Zoning Districts, subject to the following requirements.

   A. All solar panel installations shall comply with all applicable local and state building, electrical, plumbing, and NFPA codes and maintained in good working order.

   B. The proposed solar panel system shall be no larger than necessary to provide 120 percent of the electrical energy requirements of the structure to which it is accessory to as determined by a contractor licensed to install solar energy systems.

   C. All roof mounted solar panels on a principal structure when installed shall be flush mounted on the roof.

   D. All roof mounted solar panels shall not extend higher than the peak of a sloped roof or higher than five (5) feet from the top of a flat roof. Requirements of the State of Ohio Fire Code must be adhered to regarding placement of panels and disconnects.

   E. All roof mounted solar panels shall not extend higher than the peak of a sloped roof or higher than five (5) feet from the top of a flat roof. Requirements of the State of Ohio Fire Code must be adhered to regarding placement of panels and disconnects.

TEMPORARY SIGNS

1. Permitted Temporary Signs in All Districts. The following shall apply to any temporary sign. No zoning permit shall be required for any sign constructed or erected under the terms of this Section.

   A. Freestanding Contractor/Service Provider Signs: One (1) freestanding contractor/Service provider sign shall be permitted per property during the ongoing services, repairs and/or renovations of any existing structure provided such sign does not exceed a total area of four (4) square feet and a maximum height of three-and-one-half (3.5) feet measured from ground level and not more than 2 sides. Any such sign shall be removed at the completion of on-site work.

   B. Real Estate Signs: Each residential dwelling unit, each residentially zoned vacant property, and each non-residential property, whether developed or vacant, shall be permitted to erect one temporary sign advertising the sale and rental of property or land either in a window or as a freestanding sign out of the right-of-way. Any such sign shall be promptly removed when the property is sold or rented.

   C. One (1) sign, which shall not exceed two (2) square feet in area and not more than 2 sides in conjunction with lawful uses of the premises, which shall be displayed for a period no more than fourteen (14) days. This does not apply to election-related signs.

   D. Each residential unit shall be permitted one (1) temporary sign promoting a garage sale or other similar household sale, provided such permitted sign is located on the property on which such sale will occur, for a period not to exceed seventy-two (72) hours and no more than three (3) times in any twelve (12) month period. In addition, one (1) off-site directional sign shall be permitted with the permission of the off-site property owner or authorized representative.

   E. Temporary signs shall not be located in a public right-of-way.

2. Temporary Special Event Signs for Non-Residential Uses in Commercial and Industrial:

   A. One (1) temporary freestanding special event sign or banner shall be permitted on the location of the special event for such use for a period not to exceed fourteen (14) days in duration. Such signs

shall not be in any street right-of-way. For a property with multiple tenants, each tenant is also permitted one (1) temporary sign and shall comply with the above time provision.

B. One (1) temporary sign for hiring purposes shall be permitted in front of the building.

PROHIBITED SIGNS

All signs not specifically permitted are prohibited, including, but not limited to:

1. Signs located on or supported by trees, utility poles, public benches, guardrails, or any other form of public property, or within any public right-of-way.

2. Abandoned Sign: Any sign that no longer identifies or advertises a business, lessee, service, owner, product, or activity currently existing on the property for which the sign is intended to refer.

3. Animated, flashing, rotating, or inflatable signs and festoons, tethered balloons, banners, pennants, searchlights, streamers, exposed light bulbs, strings of lights not permanently mounted to a rigid background, and any clearly similar features, except those specifically exempt from regulation

SIGNS EXEMPT FROM REGULATION

The following signs shall be exempt from regulation under this Zoning Resolution:

1. Any sign erected by a public authority, or by a public service organization granted permission by a public authority, within a public right-of-way, or on private property when required by law, and intended to control traffic, direct, identify or inform the public, or provide a needed public service as determined by the rules and regulations of the sponsoring public authority.
2. Works of art and religious artifacts.
3. Temporary lights, decorations or displays celebrating the occasion of patriotic or religious holidays, or other publicly celebrated holidays.

## Section 5.02 NON-PERMITTED USES

1. Any uses that may be noxious or offensive by reason of the emission of odor, dust, smoke, gas, noise or uses inconsistent to the character of the neighborhood are prohibited. All uses not permitted are prohibited.
2. Any single wind turbine or wind turbine farm generator or anemometer or any parts thereof, shall be prohibited in all classes of Zoning Districts. Anemometers used in conjunction with small weather stations are acceptable.

## Section 5.03 YARD AND AREA REGULATIONS FOR INDUSTRIAL USES

Rear Yard, Side Yard and Setback: In any "I" Industrial District, a building other than a dwelling shall not require a front, rear or side yard setback. Setback as established in Article II, Residence District Regulations, is only required when bordering on a Residence District and not separated there from by a street or alley, in which case a side yard shall be provided adjacent to such District and equal in width to that required therein.

## Section 5.04 CHANGE OF USE OR OCCUPANCY

A permit shall be required for any change of use or change of occupancy of any commercial premises, prior to the actual change of use or actual change of occupancy. Upon application and payment of the permit fee, the Zoning Inspector shall notify the various other governmental agencies including without limitation the fire department, the health department, the county permit office; and other township officials of the change of use or occupancy.

# ARTICLE VI

## "U" UNRESTRICTED DISTRICT REGULATIONS

### Section 6.01 PERMITED USE

In the "U" Unrestricted District, building and premises may be used for any purpose excluded from other districts by this resolution or for any other purpose authorized by the Board of Zoning Appeals established by this resolution provided that no use shall be permitted which would create a public nuisance or which would be in violation of any other resolution of this township or any law of the State of Ohio.

# ARTICLE VII

NON-CONFORMING REGULATIONS

## Section 7.01 USE REGULATIONS

A lawful non-conforming use existing on May 4th, 1954, the date of passage of this Resolution of amendments thereto may be continued until such time as there is an abandonment of such use by removal of equipment, alteration of fittings or change in the essential purpose of such use. The voluntary cessation of such use without such removal, alteration, or change for a period of two (2) years shall constitute an abandonment of use.

A building arranged, designed, or devoted to a non-conforming use on the date of the passage of this ordinance may not be reconstructed or structurally altered to any extent exceeding in aggregate cost, during any ten-year period, fifty percent (50%) of the assessed value of the building, unless the use of said building is changed to a conforming use.

If any building housing a non-conforming use is destroyed after the effective date of this resolution to an extent of fifty percent (50%) or more of its assessed value, such use shall be discontinued.

A non-conforming use may not be changed to any other non-conforming use. A nonconforming use, once changed to a conforming use, may not be changed back to a non-conforming use.

## Section 7.02 YARD AND AREA REGULATIONS

Any building existing at a time of the passage of this resolution which does not conform to the requirements for the district in which it is located as to area of lot, occupancy, front, rear or side yards, or setbacks shall not be reconstructed, altered or repaired to an extent exceeding twenty-five percent (25%) of its assessed value or moved or enlarged except in such manner as to make it conform to all of the regulations contained in this resolution.

# ARTICLE VIII

## EXCEPTIONS

### Section 8.01

The foregoing requirements as to use and area shall be subject to the following exceptions and regulations:

1. In computing the depth of a front yard in Residential District, in portions which have been partly built up, where the average established depth of front yards of buildings with front yards fronting on one side of any given street between two cross streets exceeds the requirements under this resolution, the depth of the front yards of future building fronting on said portions of streets as required under this resolution shall be increased to conform to such average. If the average established depth of the front yard is less than that required in this resolution, the depth of the front yard may be decreased to conform to such average. No existing building shall be altered so as to decrease the depth of the front yard so that the same shall fall below the requirements of this resolution for future buildings.

2. In computing the depth of a rear yard or open court for any building where such yard or court opens onto an alley one-half of such alley may be assumed to be a portion of the yard or court.

# ARTICLE IX

## DISTRICT BOUNDARIES

### Section 9.01

Where uncertainty exists with respect to the boundaries of the various districts as shown on the map accompanying and made a part of this resolution the following rules shall apply:

1. The district boundaries are either streets or alleys unless otherwise shown and where the designation on the map accompanying and made a part of this resolution indicates that the various districts are approximately bounded by streets or alley lines, said streets or alleys shall be construed to be the boundaries of such district.

2. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be lot lines, and where the designations upon the zoning map accompanying and made a part of this resolution indicates the various districts are approximately bounded by lot lines, said lot lines shall be construed to be the boundary of such district, unless said boundaries are otherwise indicated on the zoning map.

3. In unsubdivided property, the district boundary lines on the zoning map accompanying and made a part of this resolution shall be determined by use of the scale contained on such zoning map. Where any uncertainty may exist as to the exact boundary lines the same shall be determined by the Board of Zoning Appeals and a record kept thereof.

# ARTICLE X

## INTERPRETATIONS, PURPOSES AND CONFLICTS

### Section 10.01

In interpreting and applying the provisions of this resolution, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, convenience, and general welfare. The lot or yard areas required by this resolution for a particular building shall not be diminished and shall not be included as part of the required lot or yard areas of any other buildings. The lot or yard areas of buildings existing at the time of the passage of this resolution shall not be diminished below the requirements herein provided for building hereafter erected and such required areas shall not be included as part of the required areas of any building hereafter erected. It is not intended by this resolution to repeal, abrogate, annul or in any way impair or interfere with any existing provisions of law or ordinance or any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of buildings, or premises; 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 requires larger yards than are imposed or required by such existing provision of law or ordinance or by such rules, regulations, or permits or by such easements, covenants or agreements, the provisions of this resolution shall control.

# ARTICLE XI

## COMPLETION OF EXISTING CONSTRUCTION

### Section 11.01

Nothing herein contained shall require any change in the plans, construction or designated use of a building or structure, the construction of which shall have been diligently prosecuted within ninety (90) days prior to the effective date of this amended resolution and any further amendments, which entire building shall be completed within one (1) year from the effective date of this resolution.

# ARTICLE XII

## ZONING CERTIFICATE AND COMPLIANCE

### Section 12.01

No building or premises may be constructed, altered or occupied until such certificate has been issued, and said Township Zoning Inspector has inspected the premises. Amended September 14, 1957.

Zoning Certificates shall be issued after written application therefore, or in case of new buildings or alterations within one (1) week before such erection of alteration shall be commenced provided said building or premises or part thereof erected, altered or changed in use and the proposed use thereof, conforms to all the requirements herein set forth.

All applications for Zoning Certificates shall be accompanied by a plot in duplicate, drawn to a scale showing the actual dimensions of each lot, the size and location of each building erected or to be erected upon each lot. Drawings should include structural boundaries such as roof lines, bay windows, roof gutters, etc. and such other information as may be necessary to enable the Township Zoning Inspector to determine that the structure or proposed structure and use of land will conform to the provisions of this resolution. A record of such applications and plots shall be kept in the office of the Township Trustees.

A record of all certificates and applications therefore shall be kept on file by the Township Zoning Inspector, and copies shall be furnished the owner or tenant of the building.

A fee shall be charged for each certificate or copy issued, and such fee shall be remitted to the Township Fiscal Officer. The Township Trustees may, by resolution adopted at a public meeting, from time to time establish the fee for each certificate or copy issued. The fee schedule shall be in writing and copies available from the Township Fiscal Officer and the Township Zoning Inspector.

# ARTICLE XIII

## ZONING COMMISSION AND ZONING BOARD OF APPEALS

### Section13.01 TOWNSHIP ZONING COMMISION-CREATION

Pursuant to Ohio Revised Code (Hereafter "ORC") 519.01 to 519.99, the Board of Trustees has created a Township Zoning Commission. This Commission is subject to all rules and regulations under the ORC. 519.01 to 519.99. Its meetings are subject to the Ohio Sunshine Law. Its records are those of a public body and are open to the public.

### Section13.02 BOARD OF ZONING APPEALS CREATION AND MEMBERSHIP

The Muskingum Township Board of Trustees, Washington County, pursuant to Ohio Revised Code, has created the Muskingum Township Board of Zoning Appeals. The word "Board", when used in this resolution, shall be construed to mean the Township Board of Zoning Appeals of Muskingum Township. The Muskingum Township Board of Zoning Appeals and its procedures and powers are regulated pursuant to ORC. 519.01 to 519.99. The Zoning Board of Appeals is subject to the Ohio Sunshine Law, except that deliberations only can be done in executive session. Its records are those of a public body and are open to the public.

# ARTICLE XIV

## AMENDMENTS

### Section 14.01

Amendments or supplements to this zoning resolution may be made as set forth in ORC. 519.12, et seq.

This zoning resolution may be amended or changed as to number, shape, area or regulations of or within any district or districts, but no such amendment or change shall become effective unless the resolution proposing such amendment or change shall first be submitted to the Township Zoning Commission for approval, disapproval or suggestions. The amendment procedures are outlined on the accompanying flow charts and are fully detailed in the Ohio Revised Code 519.12.

# ARTICLE XV

## VIOLATION OR PENALTY

### Section 15.01

Pursuant to ORC 519.99, any person, partnership, firm, corporation or association who violates any of the provisions of this resolution shall be fined not more than Five Hundred Dollars ($500.00) for each offense. Each day during which such violation shall continue shall constitute a separate offense.

The application of the above penalty shall not be held to prevent neither the enforced removal of prohibited conditions, nor the enforcement of any other legal rights, including declaratory judgment, nuisance actions, injunctive actions, and any other civil and common law remedies the township zoning authorities may have pursuant to the Ohio or Federal Law.

# ARTICLE XVI

## ENFORCEMENT

### Section 16.01

It shall be the duty of Washington County Prosecutor to see that this resolution is faithfully enforced. The Board of Trustees may, by resolution, obtain special counsel to assist in the enforcement of the zoning resolution.

# ARTICLE XVII

## VALIDITY AND SEPARABILITY

### Section 17.01

Should any section or provision of this resolution be decided by the Courts to be unconstitutional or invalid, the same shall not affect the validity of the resolution as a whole or any part thereof other than the part so decided to be unconstitutional.

# ARTICLE XVIII

## REPEALS

### Section 18.01

All resolutions or parts of resolutions in conflict with any of the provisions of this resolution are hereby expressly repealed.

# ARTICLE XIX

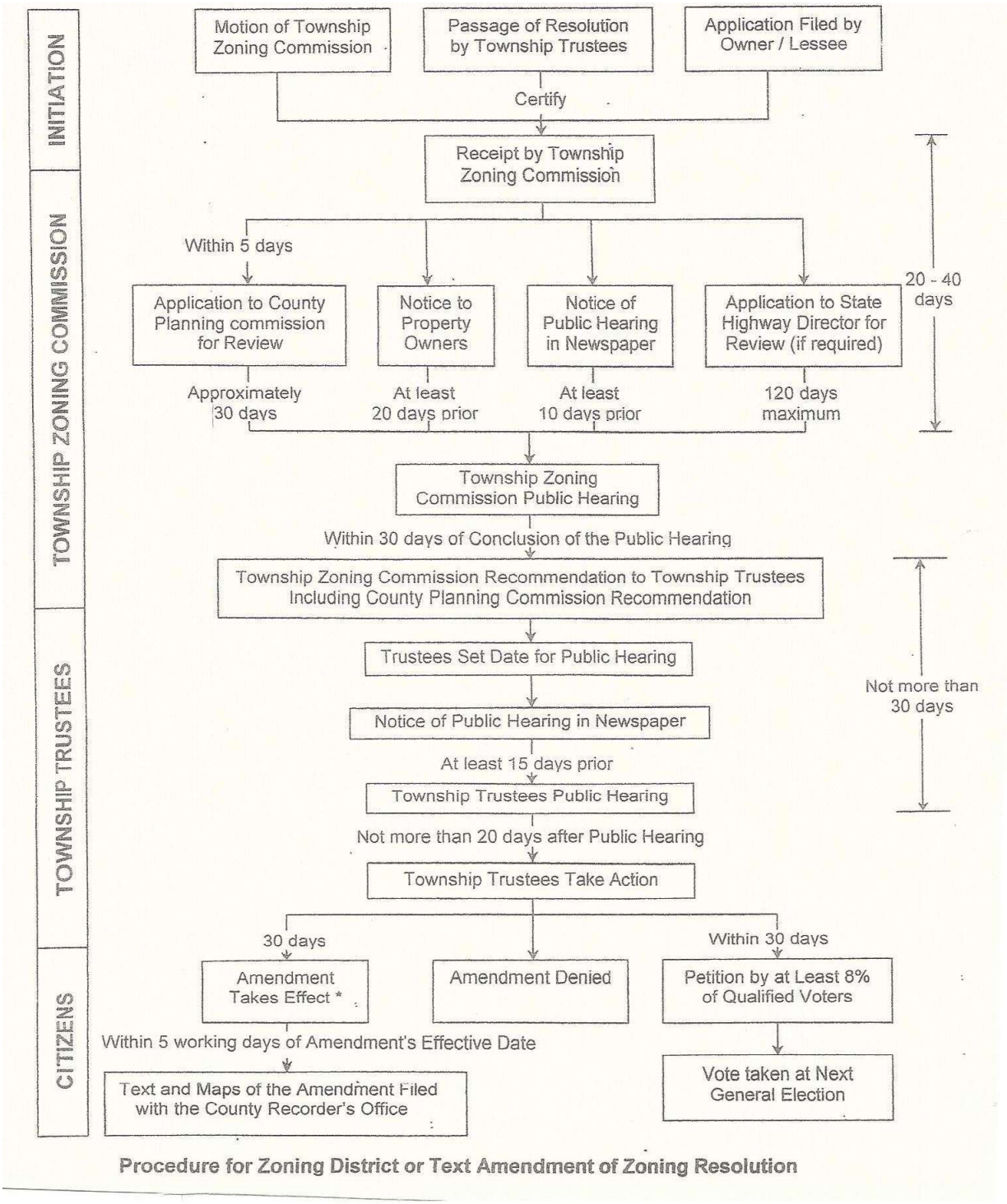
## EFFECTIVE DATE

### Section 19.01

This resolution shall be in full force and take effect from and after the earliest period allowed by law. May 4, 1954, and amended on June 19, 1993, and amended on March 6, 2001, and amended on September 7, 2006, and amended on November 8, 2014 and amended on May 6, 2019, August 4, 2025. Signatures are available on file at the Township office.

# Appendix A

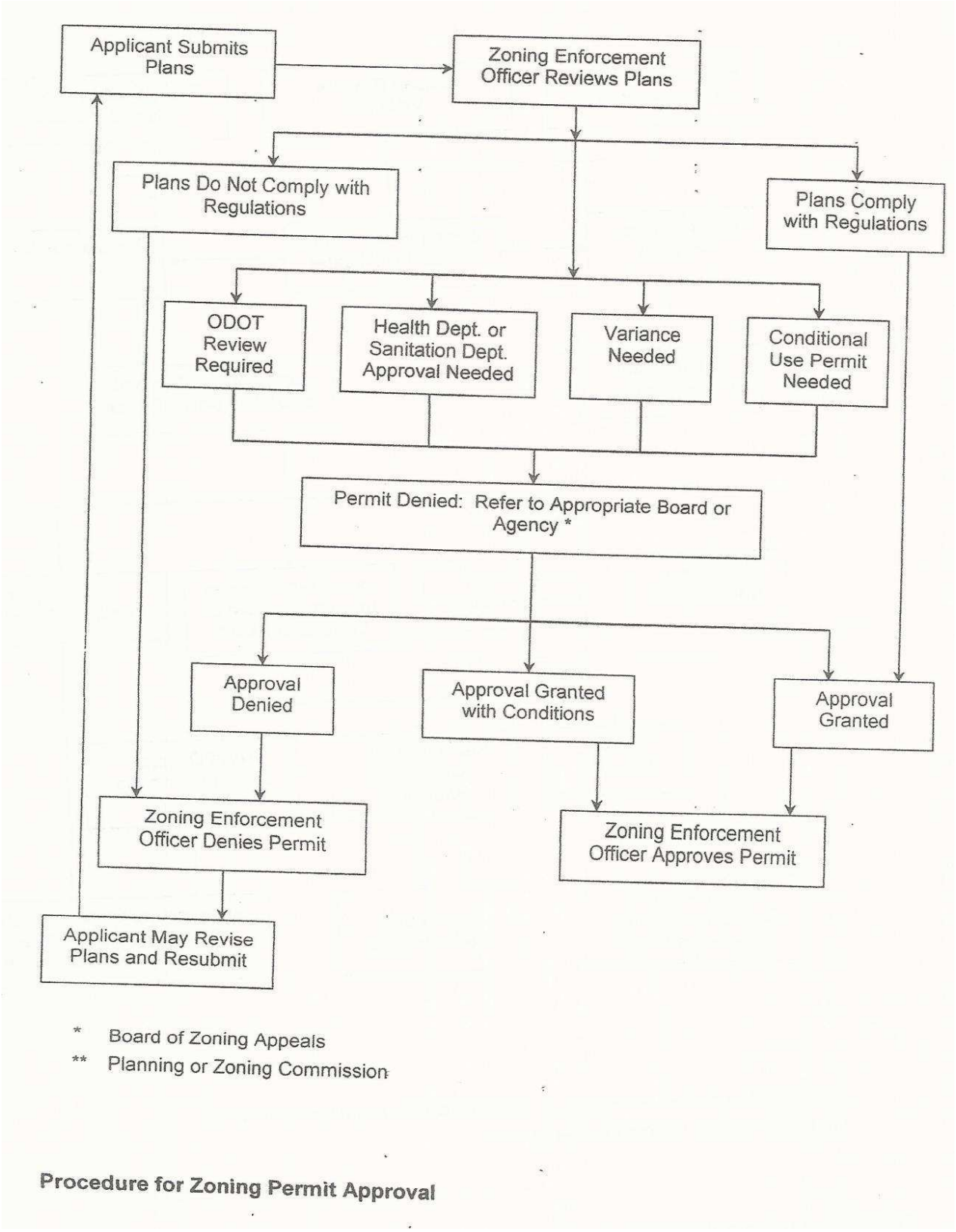
Procedure for Zoning District or Text Amendment of Zoning Resolution




**Procedure for Zoning District or Text Amendment of Zoning Resolution**

# Appendix B

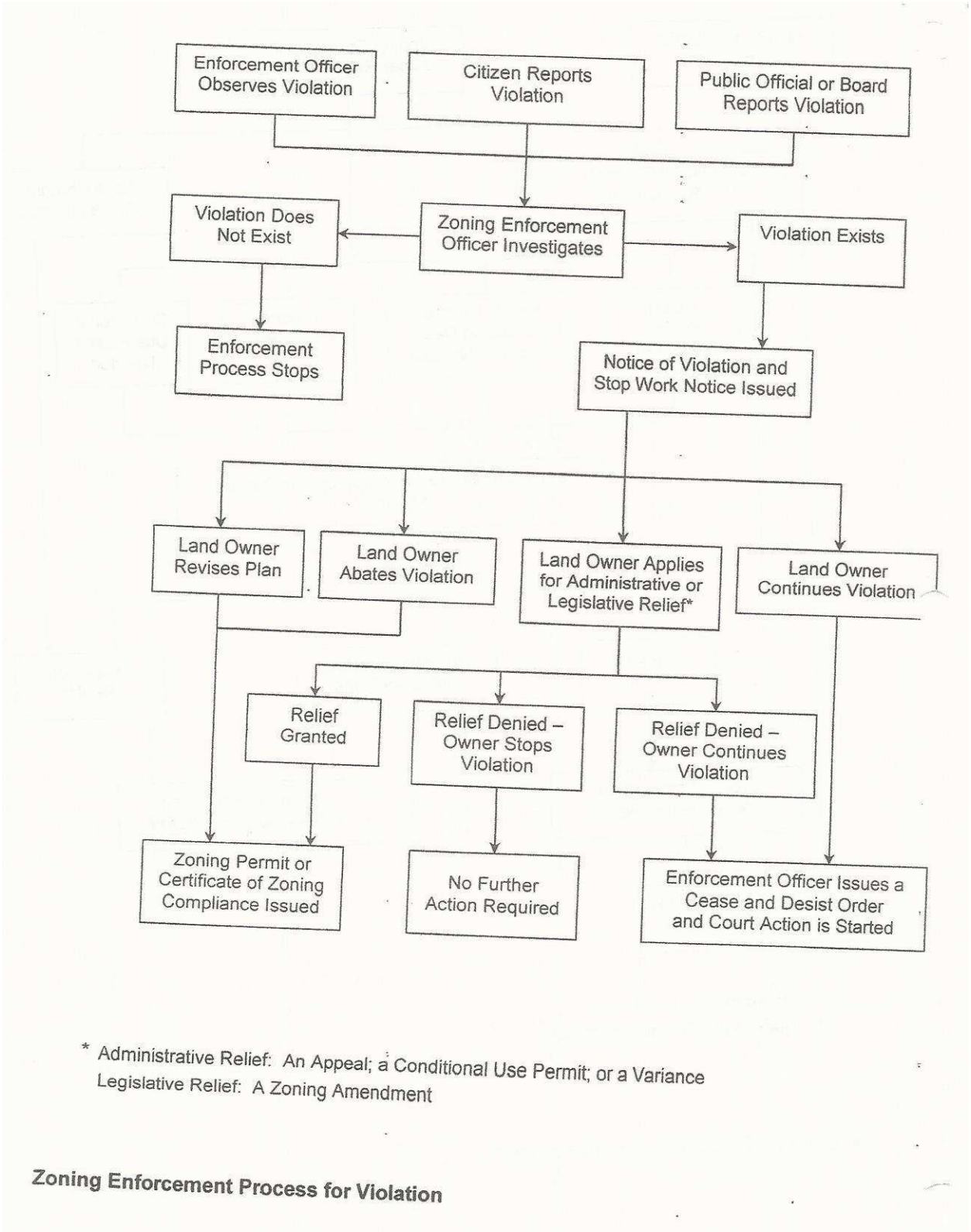
Procedure for Zoning Permit Approval




**Procedure for Zoning Permit Approval**

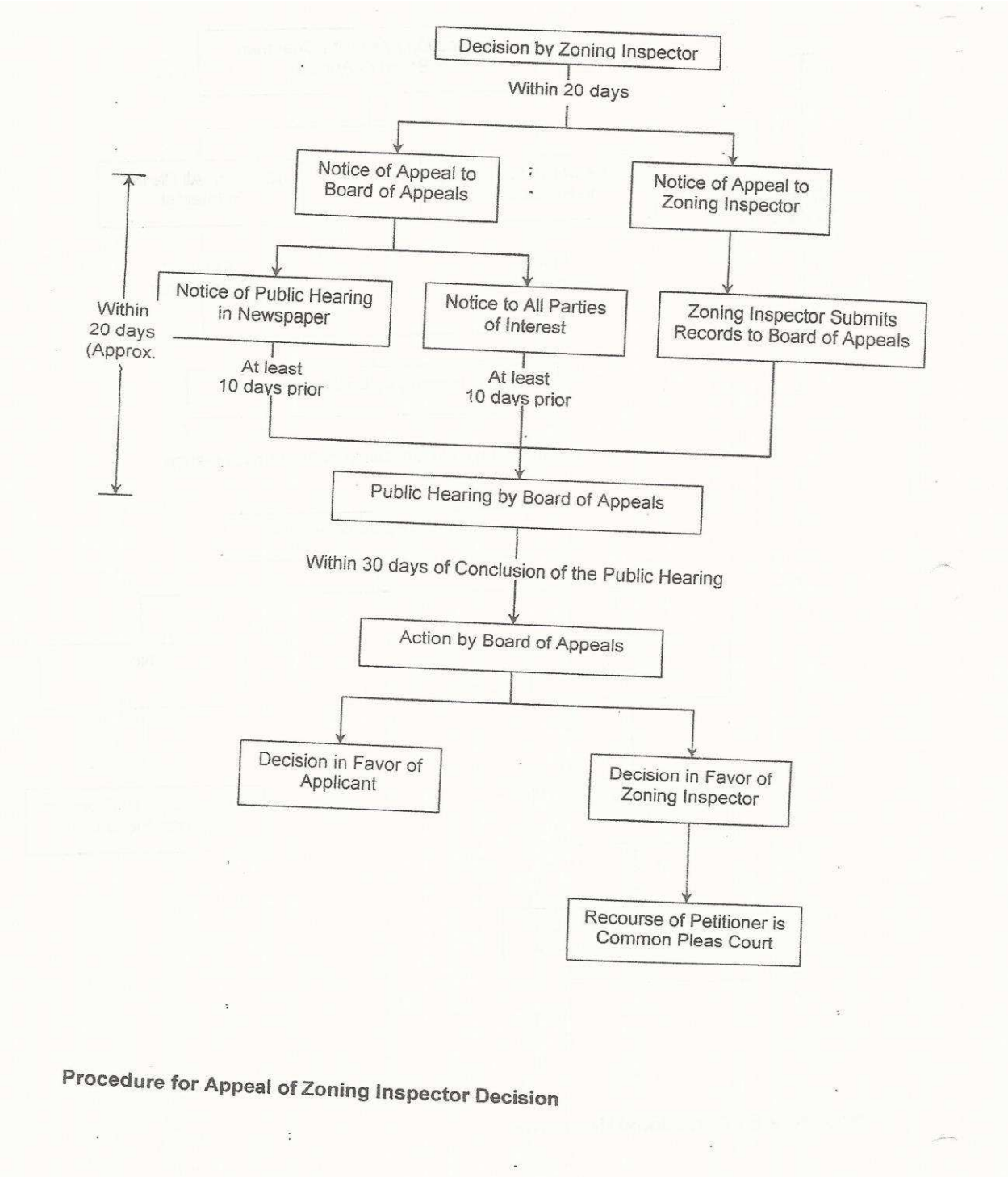
# Appendix C

Zoning Enforcement Process for Violation



# Appendix D

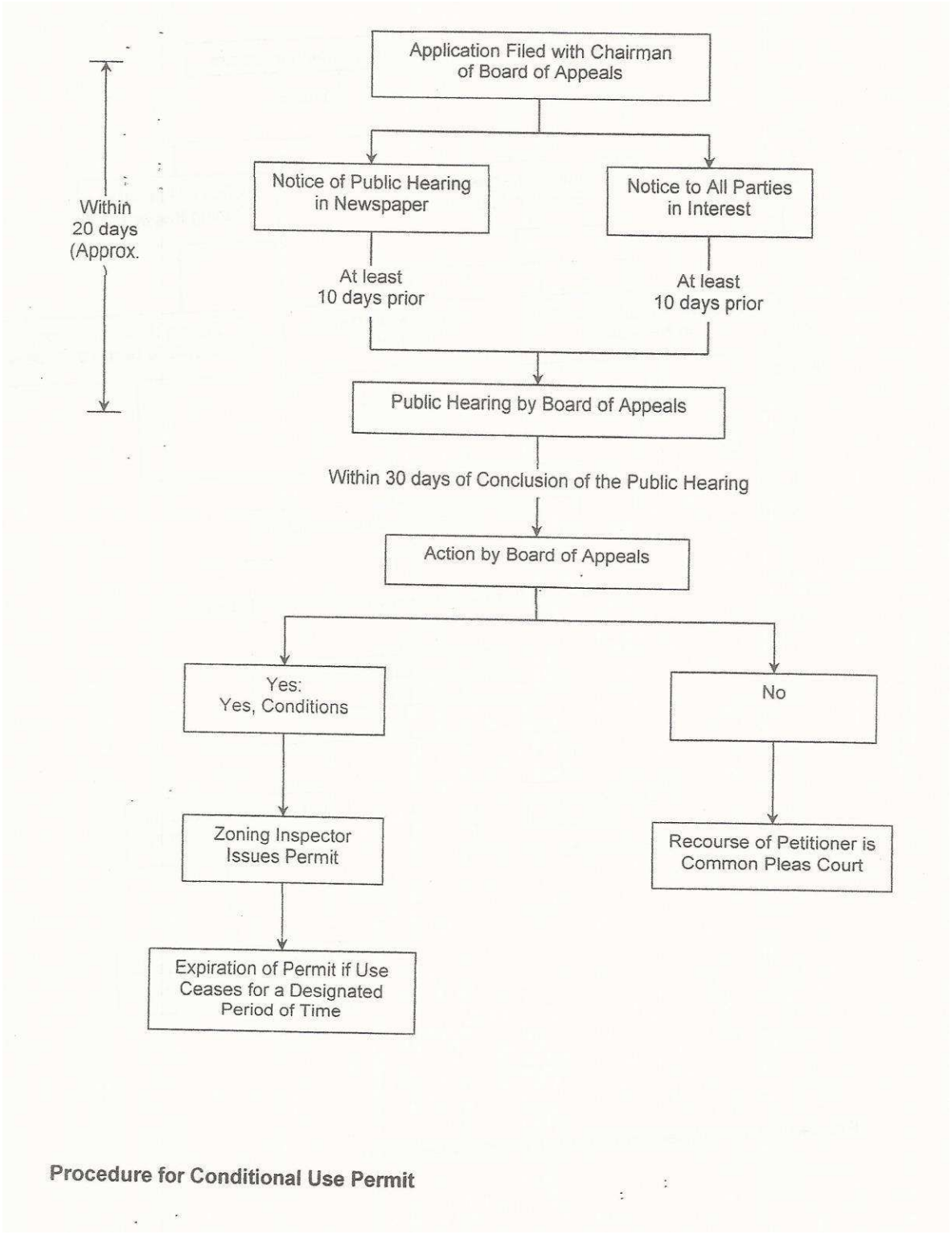
Procedure for Appeal of Zoning Inspector Decision




**Procedure for Appeal of Zoning Inspector Decision**

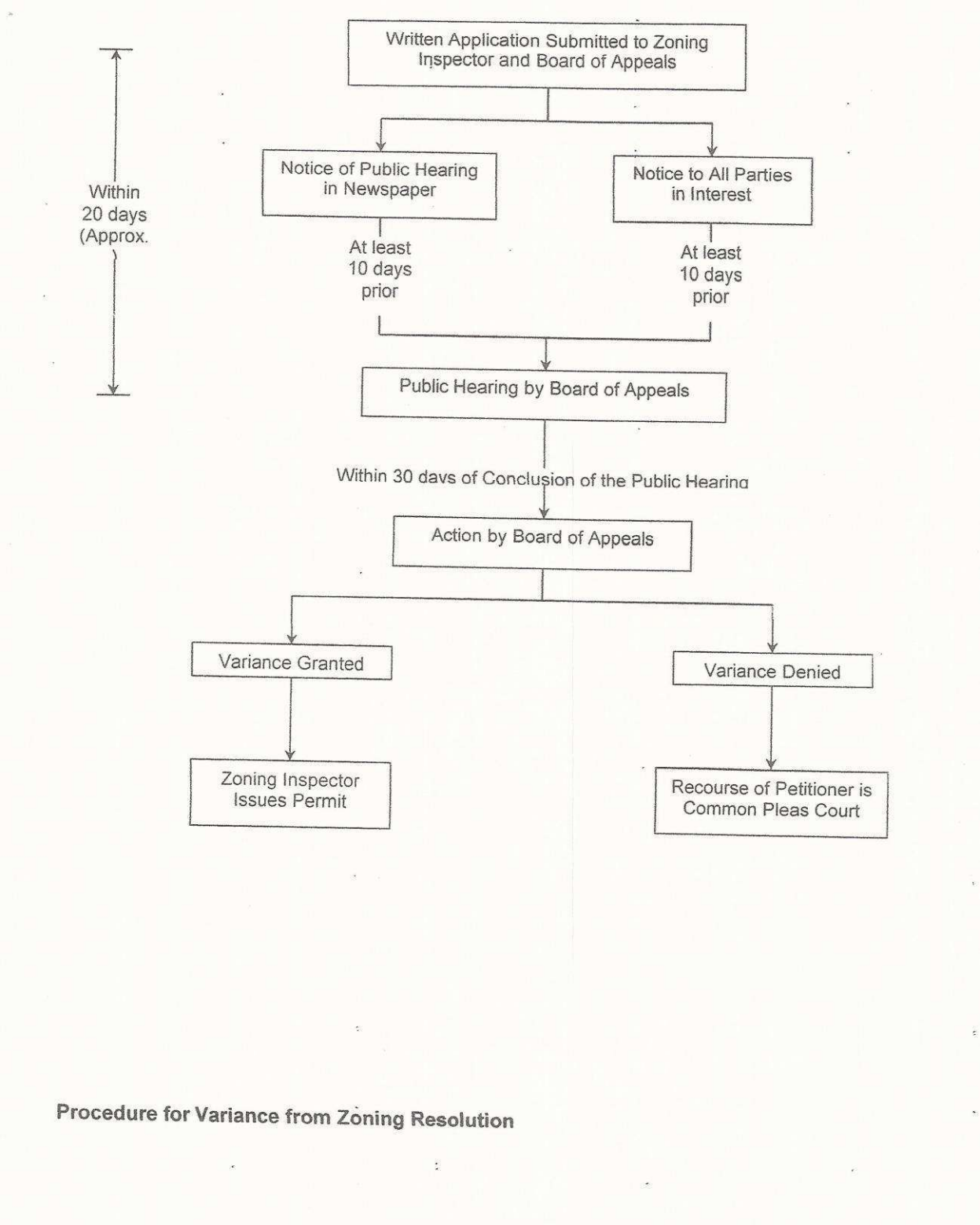
# Appendix E

Procedure for Conditional Use Permit



# Appendix F

## Procedure for Variance of Zoning Resolution




**Procedure for Variance from Zoning Resolution**