

LINCOLN TOWNSHIP ZONING RESOLUTION

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Lincoln Township Zoning Resolution

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

Now, therefore, be it resolved, by the Board of Trustees of Lincoln Township that such zoning resolution is hereby created.

Section I – Purpose

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

1. To protect the character and the values of the agricultural, residential, institutional, business, and manufacturing uses, and to ensure their orderly and beneficial development; and
2. To improve the public safety by locating building and uses adjacent to major thoroughfares, so they will cause the least interference with and be damaged least by, traffic movements; and
3. To provide open spaces for light and air, to prevent excessive concentration of the population, where public water supply and sanitary sewers are not now available, to prevent scattered and uncoordinated development; and
4. To guide the future development of the township in accordance with a comprehensive plan, and to assure economical extension of public improvements and services.

Interpretation

1. The provisions of this Zoning Resolution shall be construed as minimum requirements. They do not prevent other more restrictive requirements.
2. Where this Zoning Resolution imposes greater restrictions upon the use of land or buildings or upon the bulk of buildings, and where it requires higher standards than are required by other laws, ordinances, rules, or regulations,

this Zoning Resolution shall prevail, and where other laws, ordinances, rules, or regulations are more restrictive, they shall prevail.

3. The text of the Zoning Resolution shall prevail as to the district designation of a particular parcel if in conflict with the district designation shown on the Zoning Map.

Comprehensive Plan

Given that Lincoln Township is in Morrow County, a small rural county in north central Ohio and largely agricultural in nature, all applications of the rules and regulations as set forth in this Zoning Resolution shall be in compliance with the Morrow County, Ohio Comprehensive Use Plan.

Section II – Residential District

The following district is hereby established in the township: Residential Zone, which is hereby designated as “R” District. This district as shown on the map attached hereto is hereby established and said map is made a part hereof. No building or premises shall be used and no building shall be erected except in conformity with the regulations prescribed herein for the district in which it is located.

Section III – Agriculture

Land in any district may be used for agricultural purpose. Agricultural purpose shall include farming, dairying, pasturage, horticulture, aquaculture, floriculture, viticulture, and animal and poultry husbandry.

Any parcel used for agricultural purposes that is at least 10 acres and has a valid CAUV certificate is governed by the following provisions:

1. Zoning certificates are NOT required for the construction of buildings incidental to the agricultural purposes of the land.
2. Zoning certificates are NOT required for remodeling an existing farm residence.
3. Zoning certificates are NOT required for the construction of a new farm residence, provided:

- a) The residence is to be occupied by the owner, operator, or person engaged in the agricultural operation.
 - b) The parcel is at least 200 feet from any existing residential parcel.
 - c) The residence meets any other applicable sections of the zoning code.
4. All setbacks and regulations must be followed.
5. Although zoning certificates and fees are not required for buildings and structures used for agricultural purposes, property owners still should contact the Zoning Inspector to ensure the building or structure meets the requirements in this Zoning Resolution. For agricultural use only.

Section IV – Residential

There is hereby created a “Residential Zone,” which includes all territory not included in the Commercial Zone for Lincoln Township, Morrow County, Ohio. The following uses and no others shall be deemed Class R uses and permitted in all R Districts:

1. Single or two-family dwellings and buildings accessory thereto, but excluding tents, cabins, and travel trailers.
2. Tourist homes, rooming houses and boarding houses accepting not more than four (4) guests at any one time.
3. Church, school, college, university, public library, public museum, community center, fire station, township hall, publicly-owned park, publicly-owned playground.
4. Any person may maintain an office or may carry on a customary home occupation in the dwelling house or accessory building used by him as his private residence providing such use does not involve any extension or modification of such dwelling which will alter its outward appearance as a dwelling and providing such use does not involve any outward evidence of such use other than a sign as authorized in other sections of this Resolution.
5. Hospital, sanitarium or rest home caring for four (4) or more patients, for other than drug or liquor addicts, contagious diseases, insane or mental cases, providing that any such hospital, sanitarium or rest home shall have a lot area of not less than twenty (20) acres and a frontage on a public thoroughfare of not less than three hundred (300) feet, if abutting on a public thoroughfare, other than an entrance and exit drive. Conditional use

approval is required by the Lincoln Township Board of Zoning Appeals for this use.

6. Roadside stand consisting of a removable structure used for the display and sale of agricultural products on the premises, provided that adequate facilities are maintained for off-the-road right-of-way parking by customers and provided that such stand is removed during the seasons when it is not actually used. Such stand shall be at least twenty (20) feet back from the traveled portion of the road.
7. Mobile Home Parks.
8. Mobile homes may be located in the Residential District. When so located said mobile homes shall meet the set back provisions in the other applicable sections of this zoning code.
9. There shall only be one (1) utility shed of a maximum of one hundred twenty (120) square feet per lot. Anything larger or additional to this shed shall require a variance.
10. Any building or structure, existing as a conforming use, which is destroyed by fire or the elements, may be reconstructed and restored providing the same is done within two (2) years of said destruction. In addition, two extensions of six months each may be granted by the zoning inspector.
11. A permit must be obtained from the zoning inspector before a conforming building or structure that has been destroyed by fire or the elements is replaced.

The above uses shall be permitted only providing such use is not noxious, dangerous, or offensive by reason of odor, dust, smoke, gas, noise, fumes, flame, or vibration.

Section IVA – Temporary Living Space

Temporary living space or those spaces used until the main dwelling is completed (as permitted in basements, garages, or non-structures such as mobile homes or recreational vehicles), shall not be permitted in any Residential District unless a Morrow County Health Department-approved septic and water system exist, and unless a permit is granted and a permit fee paid, such permit not to exceed twelve (12) months.

In addition, mobile homes that serve as temporary living space must meet Lincoln Township's minimum square footage of living space (1,200 square feet) requirement.

Application can be made for one extension of the temporary living space permit for one additional six (6) month period, provided progress in completing the structure is demonstrated to the Zoning Inspector. Any further request to extend the permit must be made to the Lincoln Township Board of Zoning Appeals.

If an extension is granted, a permit fee will be paid. A dwelling, however, may be occupied on or above the ground floor before it is entirely completed, if approved by the Township Zoning Inspector.

Temporary living space must be vacated within 30 days of occupying the permanent residence (unless the garage or basement is part of the permanent residence). All temporary dwellings must be removed within six (6) months after the Temporary Permit expires.

Section IVB – Mobile Home Park

Purposes and Characteristics

The purpose of this section is to recognize the increasing demand for the Mobile Home Park type of residential area, and to provide for the appropriate development of such parks. It is intended to provide locational requirement and development standards which will lead to the development of stable and desirable Mobile Home Parks, which are compatible with other uses in the vicinity.

Procedures and Requirements

Applications: The owner of a tract of land twenty (20) acres or more in area, located in any Residential District may submit a plan for the development and use of such a tract as a Mobile Home Park under the provisions of this Resolution. Such plan shall be accompanied by a written agreement, in form acceptable to the County Prosecutor, on behalf of the owner, his successors and assigns, as follows:

1. That the fixed installations of the proposed development, as shown on the plans and as set forth in the specifications, will be completed within such a time period as may be agreed upon by the Township Zoning Commission; and
2. That all land and improvements intended for the common use of all residents, including drives, walks, parking areas, recreation facilities and equipment and all landscaped and common open space will be maintained

for as long as such Mobile Home Park is in existence, including such servicing as may be required for the use of such land and improvements; and

3. That no future changes in the Mobile Home Park shall be made which would encroach upon any land used to comply with the requirements of the Resolution as to density, open space, yards, vehicular access or parking; and
4. That all private drives shall be open at all times for access by publicly-employed personnel to inspect utility lines and to equipment for police and fire protection; and
5. That tenant occupancy regulations, acceptable to the Commission and the Morrow County Board of Health, shall be posted on the premises and enforced at all times.

Review by Zoning Commission

The Commission shall base its action on a finding that the plans for the proposed Mobile Home Park comply with the following sections:

- | | | | |
|-----|-------------------------|-----|----------------------------|
| C-1 | Uses Permitted | C-3 | Development Standards |
| C-2 | Locational Requirements | C-4 | Mobile Home Site Standards |

C-1 Uses Permitted

Notwithstanding the uses otherwise permitted in the Zoning District in which the tract is located, the uses permitted in a Mobile Home Park shall be limited to the following:

Principal Uses

- a) Mobile homes, limited to a single family residential occupancy, not including transient or vacationing families or persons and not including the storage, display or sale of mobile homes on the premises.
- b) Public parks and specialized recreation centers;

Accessory Uses

- a) Home occupations, as limited by Section IV.
- b) A permanent dwelling for one (1) family, office and maintenance facilities for the operation of the Mobile Home Park.
- c) Facilities for recreation, children's nursery, kindergarten, laundry or similar services for the occupants.

- d) Off-street parking lots or garages.

C-2 Locational Requirements

In addition to the requirements set forth in Section B hereinbefore, each Mobile Home Park shall comply with the following requirements as to location:

- a) Shall be free of objectionable environment, such as poor drainage, air pollution, noise or unsightliness, in the same manner as other residential areas.
- b) Shall be located as to assure a maximum of compatibility with other types of residential development.

C-3 Development Standards

All Mobile Home Parks shall comply with the requirements of the Ohio Department of Health, and shall be approved by said Department before zoning approval is given under the provisions of this Resolution. In addition to the requirements of the Ohio Department of Health, the location and arrangement of land, structures and mobile homes within a Mobile Home Park shall be in accordance with the following standards:

1. Minimum size of park, twenty (20) acres
2. Minimum lot size within a Mobile Home Park, five thousand (5,000) square feet.
3. Utilities Required:
 - a) Each lot for an individual mobile home shall be provided with an outlet to a water supply, and a connection to a sewer, both of which have been approved by the County authority having jurisdiction.
 - b) The entire tract shall be provided with storm water drainage in accordance with a drainage plan approved by the County Engineer.
4. General Dimensions: Dimensions relating to the Mobile Home Park tract as a whole shall be as follows:
 - a) Minimum tract width at the abutting public street three hundred (300) feet, if abutting on a street, other than entrance and exit drives.
 - b) Minimum front yard depth, fifty (50) feet.
 - c) Minimum lot width, fifty (50) feet.
5. Private Drives and Public Streets

- a) Private drives may be used to provide vehicular access to mobile home lots. Such drives may be dedicated streets, provided that they comply in all respects with the standards of the Subdivision Regulations for dedicated streets.
 - b) Where private drives are provided, the width thereof shall be not less than fifty (50) feet and each drive shall be paved for a width of not less than thirty (30) feet. Such pavement shall be constructed of not less than six (6) inches of impervious material on a prepared subgrade.
 - c) There shall be common walks three (3) feet or more in width within all private drives and dedicated streets, providing pedestrian access to all mobile home lots. Such walks shall be constructed of not less than four (4) inches of impervious pavement material on a prepared subgrade.
6. Landscaping: The entire Mobile Home Park shall be constructed or planted and maintained with landscape plants or other materials including the following:
- a) Lawn, covering all areas not specifically requiring other surfacing.
 - b) Trees, intended to provide shade for the mobile home lots.
 - b) Shrubs or other material to provide reasonable separation of mobile home lots.

C-4 Mobile Home Lot Standards

The lot for each individual home in the park shall comply with the following requirements:

- a) Minimum size of each lot shall be no less than five thousand (5,000) square feet in area, shall be not less than fifty (50) feet in width at the point where the mobile home sits, and shall abut on a street or access drive for not less than twenty (20) feet.
- b) Minimum floor area of any mobile home used as a dwelling on the premises shall be twelve hundred (1,200) square feet. Mobile homes shall be used only as a dwelling. There will be no additions to or joining of mobile homes to bring a mobile home into compliance. Additions to a mobile home must be on a permanent foundation and have an outside exit.

- c) Each mobile home lot shall be provided with a paved outdoor living area of not less than one hundred eighty (180) square feet. Such area shall be paved with not less than four (4) inches of concrete or other rigid impervious paving material, and shall be connected to common walks by a similarly paved walk of not less than two (2) feet in width.
- d) Mobile homes may be parked in areas other than Mobile Home Parks. They shall comply with the requirements for all other single family homes.

Section V – Commercial and Industrial

Lincoln Township designates two Commercial use corridors. The first is on State Route 61 south from the village of Fulton corporation line to Township Road 232 and north from the village of Fulton corporation line to State Route 529. The second is on State Route 529 from State Route 61 west to the village of Cardington corporation line. The Lincoln Township Trustees may approve Commercial zoning requests only in these corridors. The Ohio Department of Transportation must approve all access points for Commercial development within these corridors.

There is hereby created a “Commercial” District in Lincoln Township, known as “C” District. The following uses and no others shall be deemed class “C” uses and permitted in all “C” Districts:

1. Any use permitted in an “R” District shall be permitted in “C” District.
2. Retail, wholesale, merchandising establishments and such businesses or professional services necessary to the convenience and well-being of the adjacent residential community.
3. The above uses shall be permitted, providing such use is not noxious, dangerous or offensive by reason of gas, noise, flame, smoke, dust, fumes, vibration or odor.
4. Setback of 75 feet from any “R” District; 50 feet from any “I” District; 75 feet from the road; and 75 feet rear clearance.
5. One acre minimum area.
6. Delivery vehicles must be able to pull into and out of any business without obstructing traffic on a public thoroughfare.

7. Trash disposal/dumpster area must be screened on all sides with a six-foot high, uniform, opaque fence.
8. Existing Limited Commercial zoning remains in place for the properties with this designation.

Industrial District

There is hereby created an “Industrial District” in Lincoln Township, known as “I” District. This district is intended to accommodate uses which provide for the repair, storage, compounding, processing, manufacturing or assembling of materials or parts, provided that the emission of smoke, dust, fumes, vibration, odor and levels such that they will not have an adverse or detrimental affect on surrounding residential and business districts.

The following uses shall be deemed Class “I” uses and permitted:

1. All uses permitted in a “C” or “R” District.
2. Laboratories, offices and other facilities for research, both basic and applied, conducted by or for any individual, organization or concern.
3. Warehouse storage and distribution facilities, buildings, railroad and truck transfer or terminal facilities, and parking areas.
4. The manufacturing, compounding, processing, assembly or repair of products when conducted wholly within a completely enclosed building or within an area enclosed on all sides by a six-foot-high obscuring fence or wall.
5. Contractors offices, repair and storage yards, lumber and building material sales yards; provided all materials are located within an area enclosed on all sides by a six-foot-high obscuring fence or wall.
6. Public utilities installation, such as gas and electrical service buildings, water or gas storage tanks, pipeline pumping stations and similar utility uses.

The owner of a tract of land which is suited for Industrial development may submit a preliminary plan to the Zoning Commission for its review, regardless of the classification of such tract at the time said plan is filed. The plan must include the following:

1. Minimum lot size of three (3) acres.

2. Setback of one hundred (100) feet from any “R” District; 50 feet from any “C” District; 100 feet from road; and 100 feet rear clearance.
3. At least tentative approval of all applicable County, State and/or Federal government agencies.
4. Trash disposal/dumpster area must be screened on all sides with a six-foot-high, uniform, opaque fence.

Where an Industrial District abuts a Residential District:

1. Those sides abutting Residential property must have a one hundred (100)-foot greenbelt.
2. The area of use and all parking areas shall be screened by a six-foot-high obscuring fence and appropriately landscaped to be harmonious with surrounding properties.
3. Continuous use of loudspeakers, horns, whistles, or lighting that causes a hazard or annoyance shall not be permitted.

Other conditions:

1. All outdoor storage areas shall be enclosed by a six-foot-high obscuring fence or wall.
2. Maximum height of any structure shall not exceed fifty (50) percent of said structure’s setback from any neighboring property.
3. Delivery vehicles must be able to pull into and out of any business without obstructing traffic on a public thoroughfare.

Section VI – Prohibited Uses

The following shall be deemed objectionable and shall not be permitted in any “R” or “C” or “I” Districts:

1. Metallic powder works.
2. Chemical plants which could have by-products polluting the air, land, or water.
3. Crematory.
4. Distilling of bones, fat, or glue, or gelatin manufacturing.

5. Waste dumping (toxic or otherwise), storing, burying, reducing, disposing of or burning garbage, refuse, scrap metal, rubbish, offal, or dead animals, except such as result from the normal use of premises, unless such dumping is done at a place provided by the Township Trustees for such specific purposes.
6. Junk yards, automobile graveyards, or places for the collection of scrap metal, paper, rags, glass, or junk for salvage or storage purposes.
7. Outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding thirty (30) days is prohibited. Said vehicles, if stored on the premises, shall be enclosed within a building.
8. Outdoor theaters.
9. Commercial race tracks.
10. Manufacture or storage of explosives or fireworks, except as provided in Section XVI.
11. Amusement parks.
12. Competition of motorized vehicles.
13. The possession, importing, breeding, boarding, exhibiting, or selling of any inherently dangerous animal; for example, lions, tigers, bears (including those native to Ohio), alligators, wild cats, poisonous reptiles of all types; as well as boa constrictors, anaconda or pythons over eight (8) feet in length, and other inherently dangerous animals not indigenous to Ohio.
14. Tires, disabled automobiles, and trucks.

Section VII – Non-Conforming Uses

1. A non-conforming use existing at the time this resolution takes effect may be continued, except that if it is voluntarily discontinued for one (1) year or more, it shall then be deemed abandoned and any further use must be in conformity with the uses permitted in such district.
2. Any building or structure arranged, intended or designed for a non-conforming use, the construction of which has been started at the time of the passage of this resolution, but not completed, may be completed and put to such non-conforming use, providing it is done within one (1) year after this resolution takes effect.

3. Any building or structure, existing as a non-conforming use at the time this resolution takes effect, which is destroyed by fire or the elements, may be reconstructed and restored providing the same is done within two (2) years from the date of said destruction.
4. A building or structure devoted to a non-conforming use at the time this resolution takes effect may not be altered or enlarged so as to extend said non-conforming use without prior approval of the Board of Zoning Appeals.
5. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted or non-conforming use.
6. When a non-conforming use is replaced by a use that conforms to the zoning code (for example, when a 700 square foot mobile home is replaced by one that is 1,200 square feet), a permit must be obtained from the zoning inspector.

Section VIII – Outdoor Advertising

For the purpose of this Resolution, outdoor advertising shall be classified as a business use and shall be permitted in any “C” District and all lands used for agricultural purposes, subject to the regulations contained in this Resolution:

1. Signs no larger than six (6) square feet in area per side are permitted in established residential districts when the use of the sign is in direct relation to the premises. A permit is required; the fee for the permit is set by the Township Trustees and collected by the Zoning Inspector.
2. An outdoor advertising sign or billboard shall be deemed a structure and shall require a zoning certificate before being erected, constructed or replaced.
3. No outdoor advertising sign, except those mentioned in paragraph 1 of this section, shall be placed nearer than 30 feet from the center of the road.
4. Signs no larger than 50 (fifty) square feet in area per side are permitted in commercial districts. A permit is required; the fee for the permit is set by the Township Trustees and collected by the Zoning Inspector.

5. Signs no larger than 50 (fifty) square feet in area per side are permitted in industrial districts. A permit is required; the fee for the permit is set by the Township Trustees and collected by the Zoning Inspector.
6. No outdoor advertising sign more than six (6) square feet in size per side shall be located within one hundred fifty (150) feet of any intersection unless affixed to a building and not extending beyond or above the same more than three (3) feet.
7. Any illuminated sign shall be so shaded as not to interfere with the vision of persons on the highway or to annoy neighbors.
8. Outdoor advertising signs must be removed from a property within 30 days after that property ceases to be used for that purpose.
9. All outdoor advertising signs must be maintained in good repair and in a safe, neat and clean condition. The Lincoln Township Zoning Inspector may cause to have removed or repaired immediately without written notice any sign that he or she judges to be insecure, in danger of falling, or otherwise unsafe, and as presents an immediate threat to the safety of the public. If such action is necessary to render a sign safe, the cost of such emergency removal or repair shall be at the expense of the owner or lessee.

Section IX – Public Utilities and Railroads

This Resolution shall not apply to public utilities or railroads.

Cellular telephone towers

All Wireless and Cellular Telecommunications Facilities must meet all state and federal regulations, including those for fall area and demolition.

Wind energy

All property owners must conform to all applicable state of Ohio regulations for all personal, public and private wind energy uses.

Section X – Minimum Lot Area Per Family

1. All residential lot sizes deeded on or after October 15, 1997 must be either three acres or less or 20 acres or more.

NOTE: Delete number 1. Amended April 04, 2017 Effective date May 04, 2017

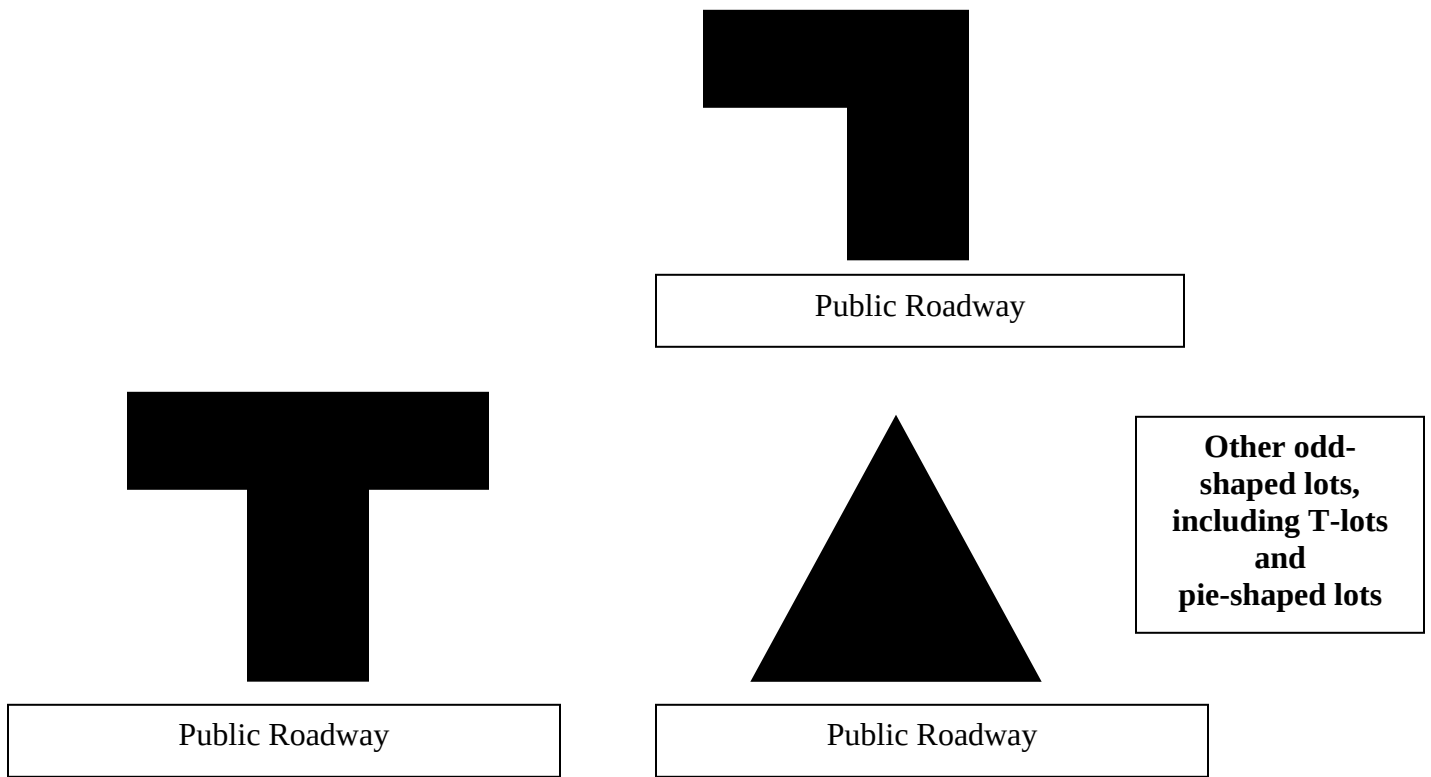
2. No single-family dwelling shall be erected or building altered to accommodate one family as a residence on less than forty-three thousand five hundred (43,500) square feet of lot area with a minimum width of two hundred (200) continuous feet along an existing public road, unless such lot was designed on a recorded plat and separately owned at the time this Resolution took effect and cannot practicably be enlarged.
3. No two-family dwelling shall be erected, or building altered, for dwelling purposes to accommodate more than one (1) family on less than forty-three thousand five hundred (43,500) square feet of lot area per family with a minimum width of two hundred (200) continuous feet along an existing public road.
4. In computing lot areas, no part of the street or road right-of-way may be included, although many lot owners hold title to one-half of said street or road.
5. In developments providing a sewage treatment facility and public water the minimum square lot footage may be reduced to twenty-one thousand seven hundred fifty (21,750) square feet per lot.
6. No lot shall be more than three (3) times deeper than its width, with the width being the front lot line or that portion which runs along the street, road, or highway. **Amended 04/04/17 Effective Date 05/04/17 (ADD): This ruling to apply only up to CAUV requirements of 10 acres. This requirement does not apply to lots over 10 acres or more with a minimum of 300 feet of continuous road frontage.**
7. There shall be one (1) dwelling per one (1) recorded lot.
9. Effective July 20, 1999, the following residential lot configurations are prohibited in all Districts: flag lots and all other odd-shaped lots, including T-lots and pie-shaped lots (see examples below).

The following residential lot configurations are prohibited in all Districts:



Public Roadway

Flag Lots



Section XI – Minimum Dwelling Sizes

1. No single-family one-story dwelling shall be erected with less than twelve hundred (1,200) square feet of gross ground floor area, exclusive of breezeways, porches, terraces, and garages.
2. No single-family multiple-story dwelling shall be erected with less than twelve hundred (1,200) total gross square feet per family, exclusive of breezeways, porches, terraces, and garages.
3. No two-family one-story dwelling shall be erected with less than twelve hundred (1,200) square feet of gross ground floor area per family, exclusive of breezeways, porches, terraces, and garages.
4. No two-family multiple-story dwelling shall be erected with less than twelve hundred (1,200) total gross square feet per family, exclusive of breezeways, porches, terraces, and garages.
5. Should a mobile home be placed on a single lot, then it shall comply with the following requirements:
 - a) It shall be placed on concrete pads or slabs adequate to support the mobile home and adequately tied down.
 - b) Wheels and tongue shall be removed.

- c) Skirting to be placed around the perimeter of mobile homes and manufactured housing must be designed specifically for mobile homes and manufactured housing and maintained with the same material.
- d) Mobile homes shall be a minimum of twelve hundred (1,200) square feet in floor area.
- e) Mobile homes shall be used only as a dwelling.
- f) There will be no additions to or joining of mobile homes to bring a mobile home into compliance.
- g) Also, no portion of a mobile home (including the frame) may be connected to another mobile home.
- h) Additions to a mobile home must be on a permanent foundation and have an outside exit.
- i) There is a limit of one (1) addition to an existing manufactured home. The addition's roofline should be no higher than the roofline of the existing home. No more additions are permitted to be made to the original addition.
- j) Only one (1) mobile home can be located on one (1) recorded lot.
- k) A mobile home cannot be brought on a lot for any reason other than for use as a primary residence.
- l) Residency without Morrow County Health Department-approved septic and water systems is prohibited.
- m) No portion of a manufactured home (including the frame may be connected to a non-manufactured home.
- n) Any mobile home not being lived in for twelve (12) months will be considered abandoned. After a mobile home has been classified as abandoned, it must be removed after six (6) months by the landowner at the landowner's expense.

Section XII – Set Back Lines

No building or structure or any portion thereof, except steps and uncovered porches less than ten (10) feet in width, shall be erected within seventy-five (75)

feet of the right-of-way side line of any street or road. Provided, however, that if there is an existing dwelling located within six hundred (600) feet of the proposed building or structure, said proposed building or structure shall conform to the set back of said existing dwelling if said existing dwelling set back is in excess of seventy-five (75) feet, and may conform to the set back of said dwelling if said existing dwelling has a set back of less than seventy-five (75) feet. But in no event shall the proposed building or structure have a set back less than the most adjacent dwelling.

Section XIII – Side Lot Clearance

For every building erected in an “R” District, there shall be minimum side lot clearance on each side of said building of not less than fifteen (15) feet, which space shall remain open and unoccupied by any building or structure. Attached garages or accessory buildings connected with the main building by a breezeway or other permanently constructed connection shall be construed to be part of the main building for the purpose of this section. All accessory buildings shall be the same.

Provided, however, that an accessory building located not less than twenty (20) feet to the rear of the main building may be erected not less than five (5) feet from a side lot line, except on corner lots; provided, that it will be not less than twenty (20) feet distant from any existing residence. An accessory building is a subordinate building customarily incident to and located on the same lot with the main building.

For every building erected in a “C” District, there shall be a minimum side lot clearance from any “R” District zone of not less than fifteen (15) feet, which space shall remain open and unoccupied by any building or structure.

Section XIV – Rear Lot Clearance

For every building erected in an “R” District and for every dwelling erected in any district, there shall be a minimum rear lot clearance at the rear of said building of at least fifteen (15) feet, which space shall remain open and unoccupied by any building or structure.

For every building erected in a “C” District there shall be a minimum rear lot clearance of at least fifteen (15) feet from any “R” District zone, which space shall remain open and unoccupied by any building or structure.

Section XV – Corner Lots

The setback building line on a corner lot shall be in accordance with the provisions governing the road of highway on which the building faces. The side yard clearance on the side road shall conform to the set back line for an interior lot on said street or road.

Section XVI – Quarrying, Mining, Development of Natural Resources and Related Processing Activities

The regulations under this section are established to protect adjacent areas and to control noises, vibrations, dust, and other objectionable influence so as not to endanger the health and safety of adjoining property owners and users, while at the same time permitting the development of natural resources that may be found in the Township.

1. The mining or quarrying of rock, sand, gravel, clay and mineral ore deposits, and drilling for oil or gas shall be permitted in all zones in the Township subject to the following regulations:
 - a) Application for such operations shall be made to the Zoning Inspector, showing the proposed location of the operation as well as the proposed location of any structures to be placed thereon.
 - b) The fee for a zoning permit for this operation is set by the Township Trustees and collected by the Zoning Inspector. The zoning permit shall be valid for one (1) year. Thirty (30) days prior to the expiration of said permit an application shall be filed with the Zoning Inspector. If the Zoning Inspector finds that said operation is in accordance with the original application and this resolution, he shall issue a renewal certificate upon payment of a fee. Said application shall be subject to renewal from year to year so long as the operation continues. In addition to the permit herein required, all other permits provided for by this resolution shall also be required and obtained.
 - c) Upon termination of operations, all equipment and structures shall be removed by the operator within six (6) months after termination and the land therein shall revert to the zone in which it was zoned prior to the issuance of said certificate.

- d) Land and buildings on the premises described in the application may be used for the following purposes: mining; quarrying; excavating; processing, removal and stockpile of rock, sand, gravel or clay; rock crushing plants, batching plants; mixing plants for either Portland cement or asphaltic concrete; block or tile plants.
- e) All equipment used in such operations shall be maintained, operated and blasting shall be performed, in such a manner as to eliminate vibration, dust or fragments of stone which are injurious or annoying to persons living or working in the vicinity.
- f) Boundaries of property or operations shall be fenced with new material, minimum six (6) feet high, and posted; or open pits shall have a slope of not less than one (1) foot horizontal to one (1) foot vertical. Pit in which production has been completed shall not be used for dumping of rubbish.
- g) Blasting and quarrying operations with the exception of loading out of finished products shall be conducted between six (6) a.m. and ten (10) p.m. except that the Board of Appeals may extend hours of operations when it has been determined to the satisfaction of the board that an emergency requiring extended hours exists. Application for extension of hours shall be by appeal to the Board of Appeals as provided in the Appeals section herein.
- h) Stone products emitting dust, strippings, or soil shall not be stockpiled as to create annoyance.
- i) No main or accessory building shall be located nearer than seventy-five (75) feet from a public road.
- j) No excavation shall be permitted nearer than two hundred (200) feet from a public road, or adjacent property file.
- k) No processing, rock crushing plants, batching plants, mixing plants for either Portland cement or asphaltic concrete, or block or tile plants, may be located nearer than five hundred (500) feet from an existing residence. Any residence located on the premises of the operation shall not be considered in determining the foregoing.

Section XVII – Sexually-Oriented Businesses

Sexually-oriented businesses must be at least 1,500 feet from the outer boundaries of residences, schools, churches or parks. The purpose of this is to regulate sexually-oriented businesses to promote the health, safety, and general welfare of the citizens of Lincoln Township, and to establish reasonable and uniform regulations to prevent the concentration of sexually-oriented businesses within the township. It is not the intent of the township to restrict or deny access by adults to materials protected by the First Amendment. There is convincing evidence that sexually-oriented businesses, because of their very nature, have a detrimental effect on both the existing business around them and the surrounding residential areas adjacent to them, causing increased crime and a downgrading of property values.

A sexually-oriented business is defined as (including, but not exclusive of):

1. Adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center. Adult arcade means any place in which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically-controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of “specified sexual activities” or “specified anatomical areas.”
2. Adult bookstore or adult video store means a commercial establishment which as one of its business purposes offers for sale or rental any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slide, or other visual representations which depict or describe “specified sexual activities,” or “specified anatomical areas.” Or, the establishment sells any of the following: instruments, devices or paraphernalia which are designed for use in connection with “specified sexual activities.”
3. Adult cabaret is a nightclub, bar, restaurant, or similar establishment that regularly features live dances who must wear at least pasties and a G-string. No public nudity is permitted.
4. Adult motion picture theater is a commercial establishment that presents materials for observation by its patrons, films, motion pictures, video cassettes, slide or similar photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified

anatomical areas.”

5. Adult theater is a theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities.”
6. Massage parlor means an establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist or similar professional person licensed by the state. This does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishment where massage is offered as an incidental or accessory service.

Section XVIII – Planned Unit Development zoning

It is Lincoln Township’s policy to promote progressive and orderly development of land by encouraging Planned Unit Development zoning. It is the intent of this designation to provide:

1. A maximum choice of living environments by allowing a variety of housing and building types.
2. A more useful pattern of open space and recreational areas.
3. A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns.
4. A more efficient use of land than is generally achieved through conventional development.

In order to obtain approval, the proposed planned development project shall comply with the following general requirements:

1. It is consistent with the purposes and intent of the Lincoln Township Zoning Code.
2. It promotes the general welfare of Lincoln Township.

3. It provides, through desirable arrangement and design, benefits which justify deviations from the development standard which otherwise would apply.

Minimum lot size

A minimum of fifteen (15) acres is required for a planned unit development project. The minimum lot size required by Lincoln Township may be reduced from the standards contained in the Zoning Code.

Open space

Developments of fifteen (15) or more acres must set aside five (5) percent of each fifteen (15) acres developed of the total land for recreation space and common open space. This common open space shall be for the use of each individual who buys property within the development. The responsibility for the maintenance of all open space shall be specified by the development. Flag lots are exempt from this green space requirement.

Submittal process

The developer of a proposed planned unit development shall consult with the Morrow County Regional Planning Commission to determine if the project is a subdivision. If the project is a subdivision the project shall be submitted and reviewed as a subdivision, in a manner set forth in the Subdivision Regulations. In such case, approval by Lincoln Township of the planned unit development project under the provisions of this Zoning Code shall be tentative, and may be revoked if a final subdivision plan is not submitted and approved within one (1) year after such tentative zoning approval.

The developer is encouraged to submit a preliminary development plan to the Lincoln Township Zoning Commission. The purpose of this optional plan is to familiarize the developer with the provisions, standards and requirements of this section prior to detailed engineering work. Upon receipt of a preliminary plan, the Lincoln Township Zoning Commission shall meet to consider such plan and provide recommendations to the developer regarding the final development plan.

An application for approval of a final development plan shall be submitted to the Lincoln Township Zoning Commission. Each application shall be signed by the developer attesting to the truth and exactness of all information supplied. The final development plan shall include all information which the Lincoln Township Zoning Commission deems necessary, including:

1. A survey of the development site showing property lines, area topography and existing features of the site.

2. The locations and sizes of lots and locations and the sizes and uses of structures.
3. A schedule showing the completion date of the structures to be built, together with a description of all building designs.
4. Landscaping plans.
5. Deed restrictions, protective covenants and other language to be used in controlling the use, development and maintenance of the area.

The review and action on a final development plan by the Lincoln Township Zoning Commission and the Lincoln Township Trustees shall follow the procedures set forth in this Zoning Code for amendment of the zoning map. This includes postings of notices, request for a recommendation from the Morrow County Regional Planning Commission, public hearings and final action by the Lincoln Township Trustees. If the approved development is not installed in accordance with the plans and requirements of this section within four (4) years of the date of approval, such approval shall become null and void, and the land returns to its original zoning designation.

Section XIX – Church and recreation camps

Church and recreation camps are permitted in all Lincoln Township zoning districts. All church and recreation camps must follow the most recent guidelines as established by the American Camping Association.

1. The width of entrance driveway to the facility must be approved by the Morrow County Engineer and any appropriate emergency services agencies to ensure adequate and safe access to the facility.
2. Any new facilities or expansion plans for existing facilities must be reviewed by the Lincoln Township Zoning Commission.
3. Each applicant must designate a primary contact person at the facility to work with the Lincoln Township Zoning Inspector for obtaining permits.

Section XX – Floodplain Overlay District

Specific areas adjacent to streams within Lincoln Township are subject to periodic inundation which may result in loss of life and property, hazards to health and

safety, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety, and general welfare. These flood losses are caused by the occupancy of flood hazard areas by unsuitable land uses, and by the cumulative effect of obstruction in flood plains, causing increased flood heights and velocities.

Purpose

It is the purpose of this article to promote the public health, safety and general welfare and to minimize losses resulting from periodic inundation of flood waters in Lincoln Township by:

1. Restricting or prohibiting uses and activities that are dangerous to health, safety or property in times of flooding, or cause excessive increases in flood heights or velocities.
2. Controlling the filling, grading, dredging and other development which may increase flood damage; and
3. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters.

Scope and Application

This article shall apply to all lands within Lincoln Township shown as within the 100-year flood plain, as identified by the Federal Emergency Management Agency on Flood Insurance Rate Map #390868, dated April 1, 1992.

The above Flood Insurance Rate Map with accompanying Flood Insurance Studies, and any subsequent revisions and/or amendments is hereby adopted by reference and declared to be a part of this article.

Overlay District Designation

The areas of special flood hazard identified on the Official Zoning Map District Map shall be considered as an overlay district. This overlay district shall be designated as the Flood Plain Overlay District.

The Flood Plain Overlay District shall be superimposed over the Official Zoning District Map. The underlying zoning district, shown on the Official Zoning District Map, shall hereafter be called the base district. Uses and minimum requirements shall be determined by the base district; however, when the requirements governing the Flood Plain Overlay District are more restrictive than those of the base district, the provisions of this article shall supersede those of the base district.

Interpretation Boundaries

When disagreement exists as to the boundaries of the Flood Plain Overlay District, those boundaries shall be interpreted to be the boundaries as shown on the Flood Insurance Rate Map referenced in Section B above. Actual boundaries may also be determined by use of the flood elevation profile information provided in the referenced Flood Insurance Study and topographic survey of the site in question.

Warning and Disclaimer of Responsibility

The degree of flood protection required by this article is considered reasonable for regulatory purposes. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This article does not imply that areas outside the Flood Plain Overlay District boundaries or land use permitted within such district will be free from flooding or flood damage. This resolution shall not create liability on the part of Lincoln Township or any officer or employees thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.

Development Standards

1. Open space uses shall be permitted within the Flood Plain District to the extent that they are allowed as permitted, accessory or conditional uses in the base zoning district.
2. No habitable structure shall be constructed within the Flood Plain District.
3. No other structure shall be permitted within the identified flood plain, and no use shall be established, which would unduly restrict the capacity of the channel or floodway of the main stream, its tributaries or drainage facilities.
4. No grading or filling within the Flood Plain District shall be permitted unless it is demonstrated to the Board of Zoning Appeals, by hydrologic and hydraulic analysis prepared by a professional engineer registered in the State of Ohio, that the cumulative effect of the proposed activities shall not increase the water surface elevation of the base flood more than one foot at any point. In acting on such a proposal, the board shall seek the input of the Morrow County Soil and Water Conservation District or other consultant determined by the board to be necessary to make such a determination. The applicant for the proposed development shall be responsible for the costs of such examination and/or analysis.
5. The applicant proposing any development activity within the Flood Plain District shall obtain a flood plain development permit from Morrow County

Board of County Commissioners and shall present evidence of same prior to receiving zoning approval for the proposed activity.

Section XXI – Zoning Inspector and Certificates

1. The position of Township Zoning Inspector is hereby created. He shall be appointed by the Board of Township Trustees and shall receive such compensation as the Trustees shall provide. He shall keep records of all applications for Zoning Certificates and the action taken thereon.
2. Before constructing any building (excluding buildings incidental to agricultural purposes), changing the use of, or altering any building or structure (including accessory buildings or changing the use of any premises), or expanding floor area by adding rooms, porches, or decks, or undertaking any action requiring a zoning permit under this Resolution, application shall be made to the Township Zoning Inspector for a Zoning Certificate. The applicant shall indicate the exact location of the proposed construction and submit a plot plan showing the proposed location and dimensions and the proposed plan.
3. A Zoning Certificate shall be revocable, if among other things, the actual use, construction, or alteration does not conform to the terms of application and the Certificate granted thereon.
4. A Zoning Certificate shall expire one (1) year after issuance unless the construction or alteration permitted by it has been substantially begun and is thereafter pursued to completion, or unless the land or premises have been put to the use permitted by such Certificates.
5. Application for Zoning Certificates shall be accompanied by a fee. Fees are set by the Township Trustees and collected by the Zoning Inspector.
6. Applications for a Mobile Home Park Zoning Permit or for approval of additions thereto shall be made to the Zoning Inspector, and shall be accompanied by a fee of Two Hundred (\$200) Dollars. Prior to locating a mobile home on any mobile home lot within a Mobile Home Park shall apply for a zoning permit from the Zoning Inspector, which application shall be accompanied by a fee of Thirty (\$30) Dollars for each home.
7. On-site inspection for water and septic or sewer are first obtained from the Morrow County Health Department.
8. The cost for sign permit is Ten (\$10) Dollars.

9. No permit shall be required for minor alterations, remodeling or repairs on a building, providing that the gross floor area is not enlarged. No permit shall be required for temporary removable structures erected as part of a construction project nor for construction of roads, sewers, service lines, utility lines or driveways.
10. Permit to locate a mobile home on a residential lot shall be Thirty (\$30) Dollars.
11. Permit for temporary living space shall be Twenty (\$20) Dollars, six (6) month extensions shall be Five (\$5) Dollars.

Section XXII – Appeals and Hardships

Appeals from the action of the Township Zoning Inspector shall be taken as provided by State Law. Decisions by the Zoning Inspector may be appealed to the Board of Zoning Appeals within a one-year period after the decision is made.

Section XXIII – Amendments and Supplements

Amendments and supplements to this Township Resolution and the maps herein referred to shall be accomplished as provided by State Law. See Appendix “A.” A fee to defray the costs of the legally prescribed procedure for adopting such changes is set by the Township Trustees and collected by the Zoning Inspector.

Section XXIV – Enforcement

1. It shall be unlawful to construct, reconstruct, enlarge, change, maintain or use any building or to use any land in violation of any regulation or any provision of this resolution or any amendment thereto. Any person, firm or corporation violating this resolution or any regulation, provision or amendment thereto shall be deemed guilty of a minor misdemeanor and upon conviction thereof shall be fined not more than One Hundred (\$100) Dollars. Each day and every day during which such illegal erection, construction, enlargement, change, maintenance, or use continues may be deemed a separate offense.
2. In case any building is, or is proposed to be, located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is, or is

proposed to be, used in violation of law or of this resolution or any amendment thereto, the Board of Township Trustees, the Prosecuting Attorney of the County, the Township Zoning Inspector or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus abatement, or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use. The Board of Township Trustees may employ special counsel to represent it in any proceedings or to prosecute any actions brought under this section.

Section XXV – Effect of Invalidity of One Section

Should any section or provision of this Resolution be decided by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of the Resolution as a whole, or any part thereof other than the part so held to be unconstitutional or invalid. All Resolutions or parts thereof which are in conflict with the provisions of this Resolution are hereby repealed.

Section XXVI – Effective Date

This Resolution shall take effect and be in force immediately following certification by the Board of Elections, if the plan is so approved by a majority of the vote cast on the Resolution.

Section XXVII – Definitions

Intent

For the purpose of this resolution, certain terms or words used herein shall be interpreted as follows:

1. The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
2. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

3. The word “shall” is a mandatory requirement, the word “may” is a permissive requirement, and the word “should” is preferred requirement.
4. The words “used” or “occupied” include the words “intended, designed, or arranged to be used or occupied.”
5. The word “lot” includes the words “plot” or “parcel.”
6. The word “Township” shall mean Lincoln Township, Morrow County, Ohio. The term “Commission” shall mean the Zoning Commission of said Township. The term “Board” shall mean the Board of Zoning Appeals of said Township. The term “Trustees” shall mean the Board of Trustees of said Township.

Abandoned Mobile Home – A mobile home is considered abandoned if no one has resided in the residence for the last twelve (12) months and one of the following is present:

- The prior resident is not temporarily absent; or
- The mobile home is extensively damaged; or
- The mobile home is unusable as a residence.

Agriculture – The use of land for farming, including dairying, pasturage, horticulture, viticulture, animal and poultry husbandry. Use shall be classified as agriculture only if it is the principal or main use of the land.

Appeals – See the sections under Variances and Zoning Board of Appeals.

Areas

1. Area of Buildings – the area at the ground level of the main building and all the accessory buildings (excluding unenclosed porches, terraces and steps), measured from the outside surface of exterior walls.
2. Area of Lot – the total horizontal area within the lot boundary lines of a zoning lot.

Buildings and Structures

1. Structure – that which is constructed, located more or less permanently on the ground or attached to something located on the ground.
 - a) Including buildings, barriers, bridges, bulkheads, coal bunkers, public seating facilities, platforms, pools, poles, tanks, tents, towers, roadside stands, sheds, signs and walls;

- b) Excluding trailers and other vehicles whether on wheels or other supports.
- 2. Building – a structure which is permanently affixed to the land, has one or more floors and a roof, is bounded by either open space or lot lines, and used as a shelter or enclosure for persons, animals, and/or property. This term shall be used synonymously with “structure,” unless otherwise noted, and shall be construed as if followed by the words, “or parts thereof.”
- 3. Main Building – the building occupied by the chief use or activity on the premises, all parts of which are connected in a substantial manner by common walls or a continuous roof.
- 4. Accessory Building – a subordinate building detached from but located on the same zoning lot as the main building, the use of which is customarily incident to that of the main building or use.
- 5. Building Line – a term synonymous with set back line – a line established by this Resolution, generally parallel with a lot line, defining the limits of a yard in which no building or structure above ground may be located, except as otherwise provided herein.

Disabled Vehicle – outdoor storage of motor vehicle or vehicles without valid license for a period exceeding thirty (30) days.

Dwellings and Other Living Accommodations

- 1. Dwelling Unit – a space, within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for bathing and toilet facilities, all used by only one (1) family.
- 2. Dwelling – a building designed or occupied exclusively for non-transient residential use (including one (1) family, two (2) family, or multi-family buildings).
- 3. One-Family Dwelling – a building consisting of one (1) dwelling unit only, detached or separated from other dwelling units by open space.
- 4. Two-Family Dwelling – a building consisting of two (2) dwelling units which are either attached side by side or one above the other, and each unit having either a separate or combined entrance(s) including duplex and flats.
- 5. Bed and Breakfast – a one (1) family dwelling, operated by a resident family in which only overnight guests are lodged for compensation.

6. Boarding House – a one (1) family dwelling operated by a resident family in which guests are served meals for compensation.

Family - either an individual, two (2) or more persons who live together in one (1) dwelling unit and maintain a common household, related by blood, marriage or adoption.

Home Occupations and Professional Offices

1. Home Occupations – a gainful occupation clearly incidental and secondary to the use of the dwelling for residential purposes, conducted wholly within a dwelling, or in a building accessory thereto, only by members of the resident family and not more than two (2) employees.
2. Home Office – a secondary office clearly accessory to and located in the dwelling occupied by a person practicing in any of the recognized professions (including accountant, architect, artist, engineer, lawyer, musician, and physician).

Inherently Dangerous Animals – any animal that poses a possibility of any one or more of the following:

- a) Harmful competition to native wildlife.
- b) Introduction of disease or pests harmful to humans, domestic animals, or wildlife.
- c) Threatening wildlife or natural resources.
- d) Endangerment to human physical safety.

Inherently dangerous animals are not animals considered common pets or common farm animals.

Junk or Auto Wrecking Yard – Land used to dismantle more than one (1) motor vehicle or trailer, or land used to store, sell or dump partly dismantled, obsolete or wrecked vehicles or their parts, second-hand building materials, junk, paper, containers or other salvaged materials.

Lot

1. Zoning Lot – a single tract of land abutting a dedicated street, occupied or intended to be occupied by a use, building or group of buildings and their accessory use and buildings as a unit, together with such open spaces as are required by this Resolution (it may not coincide with a lot of record). Unless the context clearly indicates the contrary, the term Lot is used synonymously with Zoning Lot throughout this Resolution.

2. Corner Lot – a lot abutting on two (2) streets at their intersections, where the interior angle or intersection is not more than 135 degrees.
3. Interior Lot – a lot other than a corner lot or through lot.
4. Front Lot Line – the lot line separating an interior lot from the street upon which it abuts; or the shortest lot line of a corner lot which abuts a street.
5. Lot Depth – the mean horizontal distance of a lot measured between the front and rear lot lines.
6. Lot Width – the mean horizontal distance of a lot measured between the building line at a right angle to the mean lot depth line.
7. Mobile Home Lot – a lot designated within a Mobile Home Park which is the site for location of one (1) mobile home.
8. Through Lot – synonymous with Double Frontage Lot – other than a corner lot that abuts two streets.

Manufactured housing – Manufactured home means a building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of Housing and Urban Development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards.

Mobile Homes

1. Mobile Homes – a self-propelled or non-self-propelled vehicle or trailer designed, constructed, or added to by means of accessories in such manner as will permit the use and occupancy therein for human habitation whether resting on wheels, jacks or other foundations and used or so constructed as to permit its being used as a conveyance upon the public highways.
2. Mobile Home Park – any premise occupied by, or designed to be occupied by, more than one (1) family in house trailers, or mobile homes, and shall include roadway, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such Mobile Home Park.

Non-Conforming Building and Use

1. Non-Conforming Building – a building existing lawfully at the time this Resolution, or an amendment thereto, became effective but which does not conform to the area or yard regulations of the district in which it is located.
2. Non-Conforming Use – the use of a building or land existing lawfully at the time this Resolution, or an amendment thereto, became effective but which does not conform to the use regulations of the district in which it is located.

Roadside Stand – A removable structure used only, or intended to be used, only for the sale of seasonal agricultural products produced on the premises.

Signs

1. Sign – a structure or part thereof, or any devices attached to a structure or painted or represented on a structure, which shall display or include any letter, word, model, banner, pennant, insignia, device or representation used as, or which is in the nature of, an announcement, direction or advertisement.
2. Business Sign – a sign which directs attention to a business, commodity, service or profession conducted, sold or offered upon the same lot.
3. Real Estate Sign – a “For Sale” or “For Rent” sign relating to and located on the zoning lot.
4. Outdoor Advertising Sign – a sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same zoning lot (including a billboard).

Street – an existing public way shown upon a plat heretofore approved by official action and duly filed and recorded and affording the principal means of access to abutting property.

Temporary Living Space – spaces used as a dwelling until the main structure is completed.

Use

1. Use – any purpose for which buildings, other structures or land may be arranged, designed, intended, maintained, or occupied; or any occupation, business, activity or operation carried on in a building, other structure or on land.
2. Main Use – the principal purpose or activity of a building, other structure or zoning lot.

3. Accessory Use – a use located on the same lot with the main use of building or land, but incidental to the main use of main building or land.

Variance – A modification of this Resolution, permitted in instances where a literal application of these provisions would result in undue hardship as a result of some peculiar or unique condition or circumstances pertaining only to the zoning lot in question, as defined by the Ohio Revised Code. Applicants have the right to:

1. File an appeal after being rejected for a permit by the zoning inspector.
2. File an appeal after the zoning inspector has approved an application for a zoning permit that they take exception to.
3. File for a variance after being rejected for a permit by the zoning inspector. If the zoning inspector has not first either approved or disapproved an application for a zoning permit, the Zoning Board of Appeals cannot act on an application for an appeal or variance. This is required by the Ohio Revised Code.
4. Have their application for an appeal and/or a variance acted upon within a reasonable time period as follows:
 - a. To be heard at public meeting of the Zoning Board of Appeals within 20 days from the date on the application or the date the chairman of the Board of Appeals receives the application, whichever is later.
 - b. To receive a final decision of the Board of Appeals within 20 days of the date of the public hearing.

Applicant's responsibilities:

1. To plead their own case themselves (or appoint a qualified designate to plead it for them).
2. To prove that they have a true hardship caused by the zoning resolution or its interpretation.
3. To prove that the hardship is not caused by the applicant themselves and/or by the intended use of the property.
4. To prove that the application for an appeal and/or a variance was not filed with the intent of increasing the value of the property in question.
5. To prove that the appeal and/or variance was not filed to gain a use of the property that would not be afforded to other property in the zoned community.

Note: The above-mentioned responsibilities are all topics that the Board of Appeals must consider during its review of the application for an appeal and/or a variance.

Wireless and cellular telecommunications facilities – Any cables, wires, lines, wave guides, antennas, equipment or structures associated with the transmission or reception of communications as authorized by the Federal Communications Commission (FCC) which an applicant seeks to locate, or has installed, upon a tower or existing structure.

Yards

1. Yard – that portion of the open area on a zoning lot extending between a building and the nearest lot line, open and unobstructed from the ground upward.
2. Front Yard – the yard extending from the front wall of the building to the front lot line across the full width of the lot.
3. Rear Yard – the yard extending from the rear wall or the building to the rear lot line across the full width of the lot.
4. Side Yard – the yard extending between a side lot line and the nearest wall of the building, and from the front yard to the rear yard; provided, that for a corner lot, the side yard extends from the front yard to the rear lot line on the street side.
5. Required Yard – the minimum yard required between a lot line and a line for a building, to comply with the regulations of the district in which the zoning lot is located.

Zoning Board of Appeals authority – As per the Ohio Revised Code, sections 303 and/or 519, the Zoning Board of Appeals can:

1. Hear and rule on appeals, variances and conditions land or structure uses.
2. The chairman (or in the absence of the chairman, the acting chairman) may administer oaths to and/or compel the attendance of witnesses to its meetings.

The Zoning Board of Appeals cannot:

1. Alter the township zoning map (such as change a parcel of land from residential to commercial zoning).

2. Alter the wording of or the specific intent of the township zoning code.
3. Make any decision that would alter the community or in any way be contrary to the general public interest and/or welfare.

Zone or District – where either the word “Zone” or “District” is used in this Resolution, they shall be considered synonymous and are used interchangeably.

Section XXVIII – Adoption

This Zoning Code, upon hearing this 7th day of **February, 1989**, is hereby adopted by the Board of Trustees of Lincoln Township, Morrow County, Ohio, pursuant to Ohio Revised Code 519.09 and 519.11. This Board of Township Trustees hereby determines that the question of the proposed plan of zoning shall be submitted to the electors residing in the unincorporated areas of Lincoln Township for their approval at the next **Special Election**, which election shall occur on the **2nd day of May, 1989**.

Be it further resolved the Clerk of this Board shall forthwith file with the Board of Elections of Morrow County, Ohio, this resolution for purposes of submission to the electorate as aforesaid.

This Resolution shall take effect and be in force upon certification by the Board of Elections that said plan is approved at the election to be held **May 2, 1989**, all in accordance with Ohio Revised Code 519.11.

Approved and passed by
Board of Trustees of Lincoln Township,
Morrow County, Ohio
February 7, 1989

Fred Williamson
John James
Terry Pearl

Attest
Joan Piper

This Resolution revised and approved by the Lincoln Township Board of Trustees in accordance with Ohio Revised Code on October 3, 1991.

Trustees: James Carroll, Terry Pearl, John James
Clerk: Joan Piper

This Resolution revised and approved by the Lincoln Township Board of Trustees in accordance with Ohio Revised Code on August 27, 1992.

Trustees: James Carroll, Terry Pearl, John James
Clerk: Barbara Williamson

This Resolution revised and approved by the Lincoln Township Board of Trustees in accordance with Ohio Revised Code on September 6, 1994.

Trustees: James Carroll, Terry Pearl, John James

Clerk: Barbara Williamson

This Resolution revised and approved by the Lincoln Township Board of Trustees in accordance with Ohio Revised Code on September 5, 1995.

Trustees: James Carroll, Terry Pearl, John James

Clerk: Barbara Williamson

This Resolution revised and approved by the Lincoln Township Board of Trustees in accordance with Ohio Revised Code on July 2, 1996.

Trustees: James Carroll, Terry Pearl, John James

Clerk: Barbara Williamson

This Resolution revised and approved by the Lincoln Township Board of Trustees in accordance with Ohio Revised Code on September 16, 1997.

Trustees: James Carroll, Terry Pearl, John James

Clerk: Barbara Williamson

This Resolution revised and approved by the Lincoln Township Board of Trustees in accordance with Ohio Revised Code on July 6, 1999.

Trustees: James Carroll, Terry Pearl, John James

Clerk: Barbara Williamson

This Resolution revised and approved by the Lincoln Township Board of Trustees in accordance with Ohio Revised Code on December 21, 1999.

Trustees: James Carroll, Terry Pearl, John James

Clerk: Barbara Williamson

This Resolution revised and approved by the Lincoln Township Board of Trustees in accordance with Ohio Revised Code on July 5, 2000.

Trustees: James Carroll, Terry Pearl, John James

Clerk: Cathy Davis

This Resolution revised and approved by the Lincoln Township Board of Trustees in accordance with Ohio Revised Code on June 20, 2003.

Trustees: James Carroll, Terry Pearl, John James

Clerk: Cathy Davis

This Resolution revised and approved by the Lincoln Township Board of Trustees in accordance with Ohio Revised Code on August 3, 2004.

Trustees: James Carroll, Terry Pearl, John James

Clerk: Cathy Davis

This Resolution revised and approved by the Lincoln Township Board of Trustees in accordance with Ohio Revised Code on October 20, 2009.

Trustees: Terry Pearl, John James, Ron Brown

Clerk: Cathy Davis

LINCOLN TOWNSHIP ZONING MAP

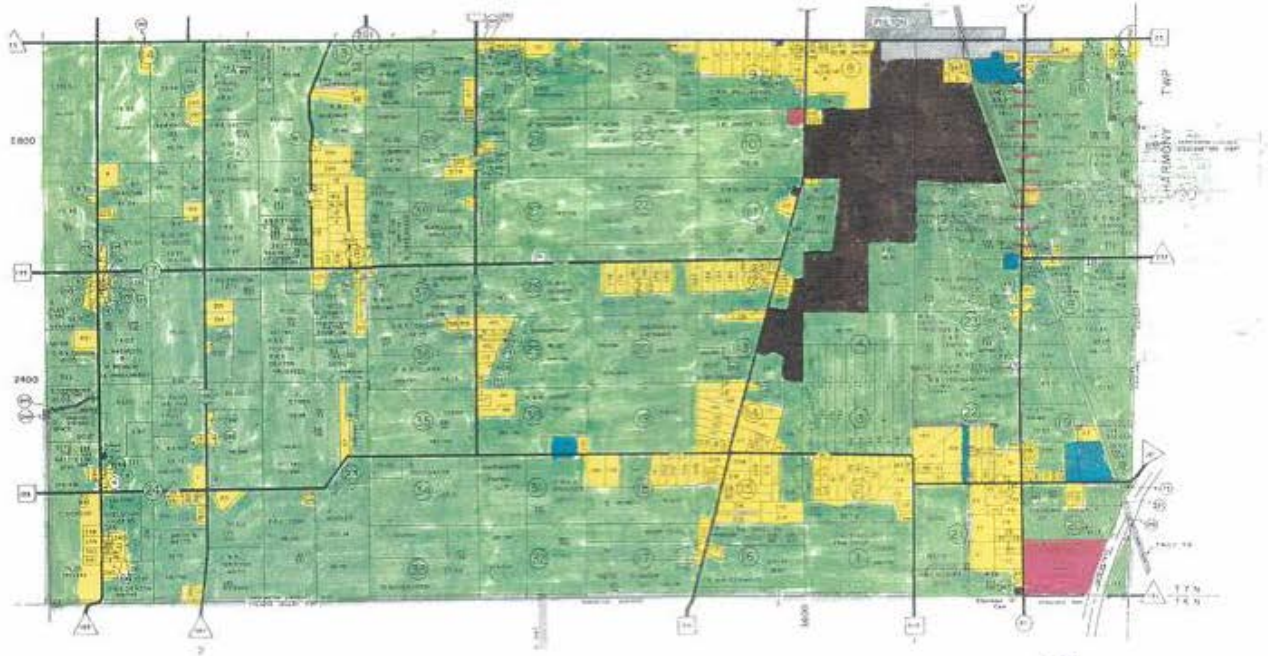
Northern Part

ZONING MATRIX

Agriculture - Green
 Residential - Yellow
 Commercial - Red
 Commercial Corridors - **###**
 Industrial - Blue
 Special Use Areas - Brown
 Camps, Churches,
 Schools, Township
 & Village Properties
 Utilities



Southern Part



CHAIRMAN John E. Janice **VICE CHAIRMAN** Terry P. L.
TRUSTEE James Cavall **CLERK** Cathy Davis
EFFECTIVE DATE 9 7 2004
 Month Day Year