

ARTICLE VI - APPLICATION OF RESOLUTION

SECTION 6.01 - CONFORMANCE REQUIRED: Except as otherwise provided herein, no building (temporary or permanent) or part thereof shall be moved on the site, erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used or occupied, other than in strict conformance with all the use and development regulations established by this Resolution for the district in which the structure or land is located. All buildings shall conform to state and local building codes in effect on the date that construction of the structure or any alteration thereto is commenced.

SECTION 6.02 - AGRICULTURE: Nothing contained in this Resolution shall prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, and no zoning permit or certificate of compliance shall be required for any such use, building or structure. For purposes of this Resolution no tract of land less than five (5) acres shall be considered agricultural in nature nor shall the same be subject to this exemption.

SECTION 6.03 - PUBLIC UTILITIES AND RAILROADS:

- a) Except as otherwise provided in division b) of this Section, nothing contained in this Resolution shall prevent the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any building or structure of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad for the operation of its business. The term "operation of its business" shall not be deemed to include general offices or other uses not related directly to provision of utility services.
- b) 1) As used in this division, "telecommunications tower" means any freestanding structure, or any structure to be attached to a building or other structure, that meets all of the following criteria:
 - (a) The free-standing or attached structure is proposed to be owned or principally used by a public utility engaged in the provision of telecommunications services.
 - (b) The free-standing or attached structure is proposed to be located in the unincorporated area of the township, in an area zoned for residential use.
 - (c) (i) The free-standing structure is proposed to top at a height that is greater than either the maximum allowable height of residential structures within the zoned area as set forth in this Resolution, or the maximum allowable height of such a free-standing structure as

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set forth in of this Resolution.

- (ii) The attached structure is proposed to top at a height that is greater than either the height of the building or other structure to which it is to be attached, or the maximum allowable height of such an attached structure as set forth in this Resolution.
 - (d) The free-standing or attached structure is proposed to have attached to it radio frequency transmission or reception equipment.
- 2) This Resolution, pursuant to Section 519.211 (B) of the Ohio Revised Code, does control the location, erection, construction, reconstruction, change, alteration, removal, or enlargement of a telecommunications tower, but not with respect to the maintenance or use of such a tower or any change or alteration that would not substantially increase the tower's height. However, the provisions of this Resolution shall apply to a particular telecommunications tower only upon the provision of a notice, in accordance with division b) 4) (a) of this Section, to the person proposing to construct the tower.
- 3) Any person who plans to construct a telecommunications tower in the unincorporated area of the township, in an area zoned for residential use, shall provide both of the following by certified mail:
- (a) Written notice to each owner of property, as shown on the county auditor's current tax list whose land is contiguous to or directly across a street or roadway from the property on which the tower is proposed to be constructed, stating all of the following in clear and concise language:
 - (i) The person's intent to construct the tower;
 - (ii) A description of the property sufficient to identify the proposed location;
 - (iii) That, no later than fifteen (15) days after the date of mailing of the notice, any such property owner may give written notice to the Orange Township Board of Trustees requesting that the provisions of this Resolution apply to the proposed location of the tower as provided under division b) 4) (a) of this Section.
 - (iv) If the notice to a property owner is returned unclaimed or refused, the person shall mail the notice

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by regular mail. The failure of delivery of the notice does not invalidate the notice.

- (b) Written notice to the Orange Township Board of Trustees of the information specified in divisions b) 3) (a) (i) and (ii) of this Section. The notice to the board also shall include verification that the person has complied with division b) 3) (a) of this Section.
- 4)
 - (a) If the Orange Township Board of Trustees receives notice from a property owner under division b) 3) (a) (iii) of this Section within the time specified in that division or if a board member makes an objection to the proposed location of the telecommunications tower within fifteen (15) days after the date of mailing of the notice sent under division b) 3) (b) of this Section, the board shall request that the fiscal officer of the township send the person proposing to construct the tower written notice that the telecommunications tower is subject to provisions of this Resolution affecting its location, erection, construction, reconstruction, change, alteration, removal, or enlargement. The notice shall be sent no later than five (5) days after the earlier of the date the board first receives such a notice from a property owner or the date upon which a board member makes an objection. Upon the date of mailing of the notice to the person, the provisions of this Resolution shall apply to the tower.
 - (b) If the Orange Township Board of Trustees receives no notice under division b) 3) (a) (iii) of this Section within the time prescribed by that division or no board member has an objection as provided under division b) 4) (a) of this Section within the time prescribed by that division, division a) of this Section shall apply to the tower without exception.
- c) This resolution, pursuant to Section 519.211 (c) of the Ohio Revised Code, does regulate the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any buildings or structures of a public utility engaged in the business of transporting persons or property, or both, or providing or furnishing such transportation service over any public street, road or highway in the state of Ohio and the use of land by any such public utility for the operation of its business. For the purposes of this resolution, all such uses shall be considered non-residential and non-commercial uses and shall be located in PID districts if approved by the board of township trustees. The Board of Trustees has no power with respect to a building or structure of, or the use of land by, a person engaged in the transportation of farm supplies to the farm or farm products from farm to market

or to food fabricating plants.

Any company engaged in the transport of persons or property, or both, that is lawfully established at the time of the adoption of this amendment shall be permitted to continue, but any expansion of such existing use shall conform to the regulations of this resolution.

SECTION 6.04 - BUILDINGS UNDER CONSTRUCTION AND NEW CONSTRUCTION: Nothing contained in this Resolution shall require any change in the plans, construction, size or designated use of a building upon which construction was begun before the effective date of this Resolution or applicable amendments hereof. The zoning inspector may require proof in the form of an affidavit or other similar documents that the original intended use of the building has not been changed.

SECTION 6.05 - ISSUED ZONING PERMITS: Any new proposed construction for which a zoning permit is issued shall have been started within six (6) months of issuance of said permit and the ground story framework, including structural parts of a second floor shall have been completed within one (1) year after the issuance of the zoning permit; provided, however, that any project or building originally contemplated to be constructed in phases or for a period longer than one (1) year may be completed in phases or during such extended time if in accordance with a timetable placed on file with the zoning inspector with the original request for the permit.

In the case of old construction, if the above schedule is not met, any prior right as a non-conforming use is lost and zoning permits for new construction invalidated.