**ARTICLE II**

**Parkman Township Zoning Resolution 11-1**

**DEFINITIONS**

***Section 200.0 Interpretation of Terms or Words***

For the purposes of this resolution, the following rules of interpretation for terms and words shall apply:

1. The word "person" includes an individual, association, organization, partnership, trust, company, corporation, or any other legal entity.
2. The present tense includes the future tense, the singular number includes the plural and the plural number includes the singular, unless the context clearly indicates the contrary**.**
3. **The word "shall" is a mandatory requirement.**
4. **The word "may" is a permissive requirement.**
5. **The word "should" is a preferred requirement.**
6. **Words and phrases shall be read in context and construed according to the rules of grammar and common usage. Words and phrases that have acquired a technical or particular meaning, whether by legislative definition or otherwise, shall be construed accordingly.**

***Section 201.0 Words and Terms Defined***

**Words and terms used in this resolution shall be defined as follows:**

***"Accessory building,*** *structure, or use"* means a subordinate use of a building, structure, or lot or a subordinate building or structure: (1) the use of which is clearly incidental to the use of the principal building, structure, or use of a lot; (2) which is customary in connection with the principal building, structure, or use of a lot; and (3) which is located on the same lot with the principal building, structure, or use.

***"Adult family home"*** means a residence or facility that provides accommodations to three (3) to five (5) unrelated adults and supervision and personal care services to at least three (3) of the unrelated adults.

***"Adult group home"*** means a residence or facility that provides accommodations for six (6) to sixteen (16) unrelated adults and provides supervision and personal care services to at least three (3) of the unrelated adults.

***"Agriculture"* includes farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of**

**the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.**

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***"Antenna"*** means any system of wires, poles, rods, discs, dishes, or similar devices used for the transmission or reception of electromagnetic waves attached to the exterior of a building or mounted in the ground independent (freestanding) of a building on a tower**.**

***"Automotive repair'*** means the repair, rebuilding, or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles**.**

***"Automotive wrecking'*** means the dismantling or wrecking of used vehicles, mobile homes, trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

***"Basement'*** means a portion of a building or structure with at least one-half of its floor to ceilingheight below the adjoining exterior finished grade level and with its ceiling not covered by earth. Said portion is not a completed building or structure and shall only serve as a substructure or foundation for a buildingor structure.

*"****Bed and Breakfast Inn****"* means a portion of a dwelling where short-term lodging and breakfast accommodations are provided for compensation.

***"Breezeway":*** A roofed, open-sided or enclosed passageway connecting the principal building or structure with an accessory building or structure on a lot.

***"Building"*** means a temporary or permanent structure, other than a mobile home, affixed to or resting on the ground and designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

***"Building, principal"*** means a building within which the main or primary permitted use is conducted on a lot.

***"Building height"*** means the vertical distance measured from the finished grade level to the highest point of the building.

***"Building line"*** see setback line.

***"Cemetery'*** means land used or intended to be used for the burial of the human or animal dead.

***"Channel"*** means a natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.

***"Church"*** means a building used for public worship and may include temples, cathedrals, synagogues, mosques, chapels, and congregations.

***"Collocation"*** means locating wireless telecommunications antennas and appurtenant equipment from more than one provider on a single wireless telecommunications tower site**.**

***"Conditional use"*** means a use within a zoning district other than a permitted use requiring approval by the township board of zoning appeals and the issuance of a conditional zoning certificate.

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***"Conditional zoning certificate"*** means a certificate issued by the zoning inspector upon approval by the township board of zoning appeals for a conditional use**.**

***"County"*** means Geauga County, Ohio

***"Cul-de-sac"*** means a street or road, one end of which connects with another street or road, and the other end of which terminates in a vehicular turnaround.

***"Deck"*** means a structure with or without a roof that is attached to a building or is freestanding and is supported by posts.

***"Density****"* means a unit of measurement representing the number of buildings, structures or dwelling units per acre of land.

***"District"*** means a portion of the township shown on the zoning map within which zoning regulations apply as specified in this resolution.

***"Driveway"*** means a private way providing access for vehicles from a road to a dwelling, building, structure, parking space or loading/unloading space.

***"Dry hydrant'*** means a standpipe connected by means of a pipeline to a water source that permits the withdrawal of water by drafting through the use of firefighting equipment**.**

***"Dwelling"*** means any building or structure (except a mobile home or recreational vehicle as defined herein) which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants. A dwelling shall include an industrialized unit and a manufactured home as defined herein.

***"Dwelling, single family"*** means a dwelling consisting of one (1) detached dwelling unit to be occupied by one (1) family only.

***"Dwelling unit'*** means space within a building comprising living and/or dining and sleeping rooms; and space for cooking, bathing and toilet facilities; all of which are used by only one (1) family for residential occupancy.

***"Earth sheltered dwelling"*** means a completed building or structure, containing a dwelling unit, designed to be built underground and not intended as the foundation, substructure, or basement for a subsequent dwelling.

***"Easement'*** means the right of a person, governmental entity, public utility, or other firm to use public or private land owned by another for a specific purpose as established by an instrument of record in the county recorder's office.

***"Exterior display or sales area"*** means an open area on a lot used to purvey goods, merchandise or services sold within the principal building on the same lot. Such goods or merchandise shall be available for direct sale and shall not be within shipping cartonsor crates**.**

***"Exterior storage area"*** means an open area on a lot used for parking or storage of equipment, materials, machinery or vehicles in connection with the principal building, structure, or use on the same lot for a period of 24 hours or more.

***"Family'*** means one (1) or more persons related by blood, adoption, guardianship or marriage, living and cooking together as a single housekeeping unit, exclusive of live-in hired employees. A number of persons but not exceeding two (2) living and cooking together as a single housekeeping unit though not related by blood, adoption, guardianship or marriage shall be deemed to constitute a family, exclusive of live-in hired employees. A family shall not include any society, club, fraternity, sorority, association, lodge, federation, coterie, or a like organization; any group of individuals whose association is temporary or seasonal in nature; and any group of individuals who are in a group living arrangement as a result of criminal offenses.

***"Farm Market'*** means a building from which at least 50% or more of the gross income received is derived from produce raised on farms owned or operated by the market operator in a normal crop year.

***"Fence"*** means an artificially constructed structure consisting of wood, masonry, stone, wire, metal or other manufactured material or combination of materials erected as a boundary or means of protection to enclose, screen or separate areas on a lot. A "fence" shall not include hedges, shrubs, trees or other natural growth or vegetation.

***"Finished grade level*** means the elevation of the finished grade of the ground adjacent to a building or structure.

***"Fixture, full cut-off lighting"*** means a lighting fixture which allows no light to be emitted above a horizontal plane drawn through the lowest part of the fixture.

***"Floor area"*** means the sum of the horizontal areas of the several floors of a building, measured from the interior faces of the exterior walls.

***“Freezer Lockers”*** means a storage unit for the use of storing frozen food and ice and shall not be used to store non-food items. A freezer locker shall be used to store personal food only.

***“Freezer Locker Building”*** means a permanent accessory building for the use of individual freezers, freezer lockers, and/or sale and storage of ice**.**

***"Frontage"*** see lot line, front.

***"Garage"*** means a building designed and used for the storage of motor vehicles**.**

***"Glare"*** means the sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance**,** discomfort, or loss in visual performance and visibility.

***"Glare, direct'*** means the glare resulting from the human eye being able to see the light-emitting portion of a light fixture.

*"Hazardous waste"*means substances or materials that by reason of their toxic, caustic,

corrosive, abrasive, or otherwise injurious properties may be detrimental or deleterious to the health of any person or others coming into contact with such material or substance and which cannot be handled by routine waste management techniques.

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***"Home occupation"*** means an occupation for remuneration conducted within a dwelling

 lot within a residential zoning district.

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***"Hospital"*** means a building containing beds for patients and devoted to the medical diagnosis, treatment, and care of human ailments by licensed physicians and other medical staff**.**

***"Hospital, veterinary****"* means a building containing accommodations for the diagnosis and treatment of animals by licensed veterinarians and staff.

***"Hotel or Motel"*** means a building in which lodging, or boarding and lodging, are provided and offered to the public for compensation.

***"Industrialized*** *unit'* means a structure as defined in Ohio Revised Code 3781.10 for which a letter of certification and insignia has been issued by the Ohio Board of Building Standards pursuant to Ohio Administrative Code 4101:2-1-62(A).

***"Junk'*** means old or scrap copper, brass, rope, rags, trash, wastes, batteries, paper, rubber, dismantled or wrecked vehicles or parts thereof, iron, steel and other old or scrap ferrous or nonferrous materials.

***"Junk vehicle"*** means any vehicle that meets all of the following criteria. It is **(**1) three years old or older; (2) apparently inoperable; and (3) extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, or transmission.

***"Junk yard'*** means any land, property, structure, building, or combination of the same, onwhich junk or junk vehicles are stored, processed, or bought or sold.

***"Kennel*** means any building, structure or land where dogs or other domesticated pets are boarded, cared for, bred or kept for remuneration.

***"Landscaping"*** means the exterior installation of any combination of living plant material such as trees, shrubs, grass, flowers, and other natural vegetative cover; and, may include structural or decorative features such as walkways, retaining walls, fences, benches, lighting, works of art, reflective pools, and fountains. Landscaping may also include other supportive elements such as irrigation systems, ponds, watercourses, mulch, topsoil, pavers, and decorative rock; and, the preservation, protection, or replacement of existing wetlands, trees, shrubs, and similar living plant material.

***"Lattice tower****"* means a framework or structure of cross metal strips typically resting on three (3) or more members constructed vertically to which antennas are affixed.

***"Loading/unloading space"*** means space provided for pick-ups and deliveries for commercial and industrial uses.

***"Lot'*** means a parcel of land, which shall be a lot of record

***"Lot, corner”*** means a lot located at the intersection of two (2) or more roads.

 ***"Lot, coverage****"* means the percentage of the total lot area that is occupied by the total

 Horizontal area of all buildings, driveways, loading/unloading spaces and parking area on a lot.

*"****Lot, measurements****"* a lot shall be measured as follows:

*"Depth"* means the distance between the midpoints of straight lines connecting the foremost paints of the side lot lines in front and the rearmost points of the side lot lines in the rear.

*"Width"* means the shortest distance that occurs between the side lot lines measured anywhere between the front lot line and the setback line.

***"Lot, minimum area"*** means the total area, expressed in acres, included within the boundary lines of a lot computed exclusive of any portion of the right-of-way of any abutting public or private road.

***"Lot, multiple frontage"*** means a lot, other than a corner lot, with lot lines on more than one (1) road. A multiple frontage lot may also be referred to as a through lot.

***"Lot line"*** means the boundary of a lot which separates it from adjoining lots of record; public land; private land; common, public or private open space; and public or private roads.

***"Lot line, front'*** (frontage) means the boundary of a lot which abuts a public or private road right of way. In the case of a corner lot or a multiple frontage lot the front lot line shall be designated by the lot owner.

***"Lot line, rear"*** means the boundary of a lot which is parallel or within forty-five (45) degrees of being parallel to the front lot line. If the rear lot line forms a point, then the rear lot line shall be a line ten (10) feet in length within the lot, drawn parallel to and the maximum distance from the front lot line.

***"Lot line, side"*** means any boundary of a lot which is not a front lot line nor is a rear lot line.

***"Lot of record'*** means a parcel of land shown as a separate unit on the county auditor's current tax roll, and either as a separate lot on a subdivision plat recorded in the office of the county recorder or as a lot described by metes and bounds on a deed or instrument of conveyance, the description of which has been so recorded.

***"Manufactured building"*** means a building which is designed and constructed for transportation to a site for installation and use when connected to required utilities; and is either an independent, individual building or a module for combination with other elements to form a building on the site.

***"Manufactured home"*** means a building unit or assembly of closed construction as defined in Ohio Revised Code Section 3781.06 (C) (4).

***"Manufactured home park”*** means any lot upon which three (3) or more manufactured or mobile homes used for habitation are located, as defined in Ohio Revised Code Section 3733.01 (A).

 ***“M****assage Therapy*” means the treatment of disorders, by a licensed massage therapist, of the human body by the manipulation of soft tissue through the systematic external application of the application of massage techniques including touch, stroking, friction, vibration, percussion, kneading, stretching, compression, and joint movements within the normal physiologic range of motion; and adjunctive thereto, the external application of water, heat, cold, topical preparations, and mechanical devices.

***“Medical marijuana”*** means marijuana, as defined in O.R.C. Section 3796.01 (A)(1), that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose per O.R.C. Section 3796.01(A)(2).

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***"Minerals"*** means substances or materials excavated from natural deposits on or in the earth**.**

***"Mobile home"*** means a building unit or assembly of closed construction as defined in Ohio
 Revised Code Section 4501.0 (0), and which is designed to be used as a dwelling with or
 without a permanent foundation, and which does not conform to the National Manufactured

**Housing Construction and Safety Standards Act of 1974, 88 Stat. 700, 42 U.S.C.A. 5401, 5403** as amended. A "mobile home" does not mean an "industrialized unit", "manufactured home" or "recreational vehicle" as defined in this resolution. A building or nonself-propelled vehicle is a "mobile home" whether or not axles, chassis, hitch, wheels, or other appurtenances of mobility have been removed and regardless of the nature of the foundation provided**.**

***"Monopole"*** means a structure composed of a single spire used to support communications equipment.

*"Nonconforming building or structure"* means a building or structure which was lawfully in existence at the effective date of this resolution or amendment thereto that does not conform to the area, square footage, yard, height, or other applicable regulations for the zoning district in which it is located.

*"****Nonconforming use"***means the use of a building, structure or lot, which was lawfully in existence at the effective date of this resolution or amendment thereto and which does not conform to the use regulations for the zoning district in which it is located.

*"****Nursing home****"* means a home as defined in R.C. Section 3721.01 and generally used for the reception and care of individuals who by reason of illness or physical or mental impairment require skilled nursing care and of individuals who require personal assistance but not skilled nursing care. A nursing home is licensed to provide personal assistance and skilled nursing care.

***"Open space"*** means a totally unobstructed area on a lot that does not have any permanent or temporary buildings, structures, driveways, or parking lots; however, such area may include trees and/or vegetation.

***"Parking lot'*** means an off-street area designed for parking of vehicles, including driveways and aisles.

***"Parking space"*** means an off-street space designed for parking of vehicles in association with a specific use.

***"Personal wireless services"*** means commercial mobile services, unlicensed wireless services, and common carrier wireless, exchange access services.

***"Personal wireless service facility'*** means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services as defined by 47 U.S.C. 332 (c)(7).

***"Pond"*** means a water impoundment made by construction of dam or an embankment or by excavating a pit, or dugout and having an area of less than five (5) acres.

***"Private road'*** means a recorded easement as defined in the Geauga County Subdivision Regulations held by a private owner or established legal entity for private use as a road right-of-way and

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 *not accepted for maintenance by the state, county, or township and which provides the principal means of ingress and egress and frontage for abutting lot.*

***“Produce”*** *means fresh fruit and vegetables, eggs, grains, herbs, honey, maple syrup**and milk*

***"Public road'*** means a road right-of-way for public use as defined in R.C. section 5535.01 and the Geauga County Subdivision Regulations and accepted for maintenance by the state, county, or township and which provides the principal means of ingress and egress and frontage for an abutting lot.

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***"Public utility"*** means any company or other legally existing entity which hold a valid license issued by the Public Utilities Commission of Ohio (PUCO); or any company or legally existing entity which delivers a good or service to the public and which has been determined to be a public utility by the zoning inspector or the board of zoning appeals based upon the following factors relative to (A) public service and (B) public concern.

A. Public Service

1. Is there the devotion of an essential good or service to the general public, which has a right to demand or receive the good or service?
2. Must the company provide its good or service to the public indiscriminately and reasonably?
3. Does the company have an obligation to provide the good or service, and not arbitrarily or unreasonably withdraw it?

B. Public Concern

1. Is there concern for the indiscriminate treatment of those people who need and pay for the good or service? (For example, are prices fairly set?)
2. Is there a mechanism for controlling price? (For example, does marketplace competition force providers to stay fairly priced?)

**"Radio"** means the communication of impulses, sounds, and pictures through space by electromagnetic waves.

***"Rear Lot"*** also known as a "flag lot" or "back lot" means a lot which is located behind and contiguous with a front lot and shall be connected to a public road by one (1) free simple access strip, which is a part of said rear lot. A rear lot shall conform to the applicable regulations for the R-1 zoning district in which it is located and section 402.16

***"Recreational vehicle"*** means a portable vehicular structure designed and constructed to be used as a temporary dwelling and including travel trailers, motor homes, and truck campers as defined in Ohio Revised Code 4501.01.

***"Right-of-war'*** means all land included within an area dedicated to public use as a road or street, or land recorded as an easement for private use as a road or street, for ingress and egress.

***"Satellite dish antenna****"* means an accessory structure capable of receiving, for the sole benefit of the principal use it serves, radio or television signals from a transmitter or a
transmitter relay located orbitally. This definition may include direct broadcast systems and

**television reception only systems.**

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***"School'* means any public school chartered by the Ohio Board of Regents or conforming to minimum standards prescribed by the state board of education and any private or parochial school certified by the Ohio Department of Education which offers state approved courses of instruction.**

***"Scrap metal processing'* means an establishment having facilities for processing iron, steel, or nonferrous scrap and whose principal product is scrap iron and steel or nonferrous scrap for sale for remolding purposes.**

***"Self service storage facility'* means a building or group of buildings on a lot consisting of individual self-contained and fully enclosed units of various sizes for self-service storage of personal property.**

***"Service station"* means buildings and premises where fuel, oil, grease, batteries, tires, and motor vehicle accessories may be supplied and dispensed at retail.**

***"Setback line"* means a line parallel to and measured from a lot line which, together with the lot line, encloses the area in which no building or structure shall be located, except as otherwise provided in this resolution. See also: Yard, front, side, and rear.**

***"Sewage system, on-site"* means a septic tank or similar installation on an individual lot which provides for the treatment of sewage and disposal of the effluent.**

***"Sewers, central'* means a sewage disposal system which provides a collection network and central treatment facility for more than one dwelling or building, community or region subject to the approval of health and sanitation officials having jurisdiction.**

***"Sign"* means a structure or part of a building or surface or any device or part thereof which displays or includes any letter, word, model, banner, flag, pennant, insignia, device, or other representations used for announcement, direction or advertisement.**

***"Sign Types and Sign Designs" see* pages 11-12 and 13**

***"Site"* means, for the purpose of telecommunications towers, antennas, and facilities only; how or in what manner such towers, antennas, and facilities may be situated on a lot, building, or structure.**

***"Stealth facility'* means any communications facility which is designed to blend in with the surrounding environment. Such facilities may include architecturally screened roof mounted antennas, building mounted antennas painted to match the existing structure, antennas integrated into architectural elements, and antenna structures designed to look like light poles.**

***"Story"* means that portion of a building included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between the surface of any floor and the ceiling next above it. A basement shall be deemed to be a story only when more than one-half of its height is located above the finished grade level of the adjacent ground.**

***"Street* means a public or private road as defined in this resolution.**

***"Structure"* means anything constructed or erected that requires location on the ground or is attached to something having location on the ground.**

***"Structural alteration"* means any change in the supporting members of a building such as bearing walls, columns, beams, or girders.**

***"Surface mining"* means all or any part of the process followed in the production of minerals from the earth or from the surface of the land by surface excavation methods such as open pit mining, dredging, place ring, or quarrying and includes the removal of overburden for the purpose of determining the location, quantity or quality of mineral deposits. Surface mining does not include test or exploration boring nor mining operations carried out beneath the surface of the earth by means of shafts, tunnels, or similar mine openings.**

***"Swimming poor* means a permanent open tank or other structure designed to contain a depth of at least three (3) feet of water at any point for the purpose of swimming or wading.**

***"Technically suitable"* means the location of a wireless telecommunication antenna(s) reasonably serves the purpose for which it is intended within the band width of frequencies for which the owner or operator of the antenna(s) has been licensed by the Federal Communications Commission (FCC) to operate without a significant loss of communication capability within the developed areas of the township.**

***"Telecommunications"* means technology permitting the passage of information from the sender to one or more receivers in a usable form by means of an electromagnetic system and includes the term personal wireless services.**

***"Telecommunications tower"* means any free-standing structure, or any structure attached to a building or other structure, that meets all of the criteria set forth in R.C. 519.211 (B)(a-e) and this resolution.**

***"Tower?'* means a structure that is mounted in the ground or affixed to a building or other structure that is used for transmitting or receiving television, radio, telephone or other communications.**

***"Township"* means Parkman Township, Geauga County, Ohio *"Trustees"* means the board of trustees of the township.**

***"Vehicle"* means anything that is or has been on wheels, runners or tracks.**

***"Vehicle repair"* means the repair, rebuilding, and reconditioning of vehicles, or farm implements including collision service, painting, and steam cleaning of vehicles.**

***"Vehicle sales"* means the sale, lease or rental of new or used vehicles or farm implements.**

***"Water, central'* means a system having one (1) or more wells or other sources of water supply
joined together by pipelines so as to form a water distribution system for more than one
dwelling or building, community, or region subject to the approval of health and sanitation**

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**officials having jurisdiction.**

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***"Wind system device"* means a device that converts wind energy into a usable form and includes a rotor and drive train; and all equipment necessary for machine operation.**

***"Wireless telecommunications antenna"* means an antenna designed to transmit or receive communications as authorized by the Federal Communications Commission (FCC), excluding an antenna for an amateur radio operator.**

***"Wireless telecommunications equipment sheltee'* means the structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.**

***"Wireless telecommunications facility"* means a facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land based telephone lines.**

***"Unlicensed wireless service"* means the offering of telecommunications services using duly authorized devices which do not require individual licenses, but does not mean the provision of direct to home satellite services.**

***"Yard'* means an open space on a lot unoccupied and unobstructed by any building, structure or part thereof, except as otherwise provided by this resolution.**

***"Yard front"* means a yard extending between side lot lines across the front of a lot and from the front lot line to the front of a building or structure.**

***"Yard, rear''* means a yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of a building or structure.**

***"Yard, side"* means a yard extending from a building or structure to the side lot line on both sides of a building or structure between the lines establishing the front and rear yards.**

***"Zoning certificate"* means a permit issued by the township zoning inspector in accordance with the regulations specified in this resolution.**

***"Zoning commission"* means the zoning commission of the township.**

***"Zoning map"* means the official zoning map of the township, which shows the boundaries of the zoning districts, established in this resolution.**

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