

**ZONING RESOLUTION  
FOR  
PERRY TOWNSHIP  
ALLEN COUNTY, OHIO**

**Prepared by  
Lima-Allen County Regional Planning Commission  
130 West North Street  
Lima, Ohio 45801**

## PREAMBLE

A RESOLUTION: TO PROVIDE FOR THE DIVISION OF THE PERRY TOWNSHIP, ALLEN COUNTY, OHIO, INTO DISTRICTS FOR THE PURPOSE OF LIMITING AND THE REGULATION OF HEIGHT, BULK AND LOCATION, INCLUDING PERCENTAGE OF LOT LINES AND AREA AND DIMENSIONS OF YARDS, COURTS AND OTHER OPEN SPACES AND THE USES OF BUILDINGS, OTHER STRUCTURES AND TO PROVIDE PROCEDURE FOR THE CHANGE OF SUCH DISTRICTS AS MAY FROM TIME TO TIME BE REQUIRED.

The Zoning Commission of Perry Township, County of Allen, State of Ohio has certified to the Trustees thereof a zoning text as amended and map for the districting of the Township according to the use of buildings and other structures and of premises. The Township has determined that in the interest of promoting the public health, safety, convenience, comfort, prosperity and general welfare, it is necessary that it regulate and restrict the location of buildings and other structures and of premises to be used for trade, industry, residence and other specified uses. It is therefore necessary for Township Trustees to provide for the districting of the township into such areas as are required to carry forth the intention heretofore expressed. It is also therefore necessary to provide regulations for each of such districts, designating the kinds of classes or trades, industries, residences or other purposes for which buildings or other structures or premises may be permitted to be erected, altered or used.

The Board of Trustees of Perry Township authorized a public hearing to be held to address the Resolution as amended and certified thereto by the said Zoning Commission on the 15th day of July. Set the date of August 5, 1997 at 7:30 o'clock p.m. Eastern Standard Time in the Township House of the said Township located at 2408 East Breese Road, as the time and place for the said public hearing.

The Clerk of the Township had caused to be published in the Lima News, newspapers of general circulation in Perry Township, a legal notice of the time, place and subject of the said hearing at least thirty (30) days in advance of the date thereof, as set forth hereinbefore. During the period of thirty (30) days next following the publication of the legal notice as hereinbefore set forth, a complete text as amended and zoning map or a copy thereof of this Resolution as submitted by the Zoning Commission was on file for public examination in the office at the Perry Township House.

Upon public hearing and after consideration of the matter, it is hereby determined by the Trustees that it would be conducive to the public interest to proceed with the plan as amended and proposed by the Planning Commission. The Planning Commission has approved this Resolution establishing a general and comprehensive zoning text and map as amended for Perry Township.

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## ARTICLE 1

### GENERAL PROVISIONS

#### 1.0 **TITLE**

This Resolution shall be known and may be cited as the "Zoning Resolution of Perry Township," except as referred to herein, where it shall be known as "this Resolution."

#### 1.1 **PURPOSE**

This Resolution is enacted for the general purpose of promoting the public health, safety, comfort and welfare of the residents of Perry Township; to protect the property rights of all individuals by assuring the compatibility of uses and practices within districts; to facilitate the provision of public utilities and public services; to lessen congestion on public streets, roads and highways; to provide for the administration and enforcement of this Resolution, including the provision of penalties for its violation; and for any other purpose provided in this Resolution, the Ohio Revised Code, or under common law rulings.

#### 1.2 **INTERPRETATION**

In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and the general welfare. Whenever the requirements of this Resolution conflict with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive or that imposing the higher standards shall govern.

#### 1.3 **SEPARABILITY**

Should any section or provision of this Resolution be declared 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 declared to be unconstitutional or invalid.

#### 1.4 **REPEAL OF CONFLICTING RESOLUTIONS**

All Resolutions in conflict with this Resolution or inconsistent with the provisions of this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

#### 1.5 **EFFECTIVE DATE**

This Resolution shall become effective from and after the date of its approval and adoption, as provided by law.

## ARTICLE 2

### INTERPRETATION AND DEFINITION OF TERMS AND WORDS

#### 2.0 PURPOSE

For the purposes set forth in this Resolution, the following interpretations and definitions are offered for purposes of clarification. In the event that specific terms and/or words are absent, the administration and enforcement of the Zoning Resolution shall be in accordance with Sections 519.01 through 519.99 of the Ohio Revised Code as amended and supplemented.

#### 2.1 INTERPRETATION OF TERMS AND WORDS

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

- 2.1.1 The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual;
- 2.1.2 The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular;
- 2.1.3 The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement;
- 2.1.4 The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied;" and,
- 2.1.5 The word "lot" includes the words "plot" or "parcel".

#### 2.2 DEFINITION OF TERMS AND WORDS

For the purposes of this Resolution, certain terms or words used herein shall be defined as follows:

**Abutting:** Abutting shall mean bordering.

**Accessory Building:** A subordinate building, located on the same lot as the main building, the use of which is naturally and normally incidental and subordinate to that of the dominant use of the main building or land.

**Accessory Use (or Structure):** Accessory Use means a use, object, or structure constructed or installed on, above, or below the surface of a parcel, which is located on the same lot as a principal use, object, or structure, and which is subordinate to or serves the principal use, object, or structure, is subordinate in area to the principal use, object, or structure, and is customarily incidental to the principal use, object, or structure. Among other things, "Accessory Use" includes anything of a subordinate nature attached to or unattached from a principal structure or use, such as fences, walls, sheds garages, parking places, decks, poles, poster panels, and billboards. Except as otherwise required in this Resolution, an accessory use shall be a permitted use.

**Agriculture:** The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and animal and poultry husbandry and the necessary accessory uses for housing, treating or storing the produce, provided that the operation of any such accessory uses shall be secondary to that of normal agricultural activities. Agriculture does not include the feeding of garbage to animals or the operation or maintenance of a commercial stockyard or feedyard.

**Airport:** Any runway, land area or other facility designed or used either publicly or privately by any person for the landing and taking-off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings, and open spaces.

**Alcoholic Beverage:** Alcoholic beverage embraces any liquid designed or commonly used for human consumption, as a beverage, containing any percentage of grain or ethyl alcohol by volume and shall not be limited to "intoxicating liquor" and "liquor" as defined in Section 4301.01(A)(1) of the Ohio Revised Code or in such statute as it may hereafter be amended.

**Alignment:** Alignment shall mean location with reference to a line touching the foremost enclosed portions of buildings.

**Alley:** Alley shall mean a public way, contemplated for the use of vehicular traffic, which affords secondary means of access to property abutting thereon.

**Alley line:** Alley line shall mean a lot line bordering on any alley.

**Alteration, Structural:** Any change or replacement which would tend to prolong the life of the supporting or structural members of any building or structure, such as bearing walls, columns, joists, beams, girders, etc.

**Apartment:** See Dwelling Unit.

**Apartment Hotel:** A building designed for or containing both dwelling units and individual guest rooms or suites of rooms, which may include accessory uses such as a cigar store or coffee shop when such uses are accessible only from the lobby.

**Automotive, Mobile Home, Travel Trailer, and Farm Implement Sales:** The sale or rental of new and used motor vehicles, mobile homes, travel trailers, or farm implements, but not including repair work except incidental warranty repair of same, to be displayed and sold on the premises.

**Automotive Repair:** The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision services, painting and steam cleaning of vehicles.

**Automobile Service Station:** A building, structure or land used for the dispensing, sale or offering for sale at retail of any automobile fuels, oils or minor accessories, and other customary incidental service. When such dispensing, sale or offering for sale is incidental to the conduct of a public garage, the use shall be classified as a public garage.

**Automobile Wrecking:** The dismantling or wrecking of motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

**Barn:** An accessory or subordinate building located upon the same lot occupied by the main building or use, which use is predominantly agricultural for the storage of equipment, housing of animals or storage of food or fodder.

**Basement:** That portion of a building the floor of which is more than two (2) feet below grade and the ceiling of which is not more than four (4) feet six (6) inches above grade. A basement shall be included for purposes of bulk and height measurement if used for selling or business purposes.

**Beginning of Construction:** The incorporation of labor and material within the walls of the building or buildings; the incorporation of labor and materials at the site, lot or parcel where a building is to be constructed; the incorporation of labor and material where land is to be used for purposes other than construction of a building.

**Billboard or Signboard:** Any sign situated on private premises on which the written or pictorial information is not directly related to the use of the land on which such sign is located. A display sign is a structure that is arranged, intended, or designed or used as an advertisement, announcement or direction.

**Board of Zoning Appeals:** The Board of Zoning Appeals in Perry Township as established by Article 21.4 of this Resolution as pursuant to Section 519.04 of the Ohio Revised Code or in such statute may hereafter be amended.

**Boarding House:** A dwelling or part thereof where lodging and meals for three (3) or more persons are served for compensation by previous arrangement but not transients.

**Building:** Any structure constructed or used for residential, business, industrial or other public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars, trailers, billboards, signs or similar structures whether stationary or movable located either under or above the surface of the ground.

**Building - Front Line Of:** The line of that face of the building nearest the front line of the lot including sun parlors and screened-in porches.

**Building - Height Of:** The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

**Building Line:** The line beyond which no building or part thereof shall project, except as otherwise provided by this Resolution.

**Building, Main or Principal:** A building in which is conducted the principal use of the lot on which it is situated.

**Business:** The engaging in the purchase, sale, barter or exchange of goods, wares, merchandise or services, the maintenance or operation of offices, or recreational and amusement enterprises for profit.

**Camp, Public:** Any area or tract of land used or designed to accommodate two (2) or more automobile house trailers, tents, cabins or other camping outfits.

**Cellar:** That portion of a building, the ceiling of which is entirely below or less than four (4) feet six (6) inches above grade. No cellar or portion thereof shall be used as a

complete dwelling unit, and the cellar shall not be included in bulk or height measurements.

**Cemetery:** Land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

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

**Child Day-Care:** Administering to the needs of infants, toddlers, pre-school children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four (24) hour day in a place or residence other than the child's own home. The following are child day-care facilities:

- a. Child Day-Care Center: Any place in which child day-care is provided, with or without compensation, for thirteen (13) or more children at any one time, or any place that is not the permanent residence of the licensee or administrator in which child day-care is provided, with or without compensation, for seven (7) to twelve (12) children at any one time. In counting children for the purposes of this definition, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises shall be counted.
- b. Type A Family Day-Care Home: A permanent residence of the administrator in which child day-care is provided for four (4) to twelve (12) children at any one time, if four (4) or more children are under two (2) years of age. In counting children for the purposes of this definition, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises of the Type A home shall be counted. The term "Type A Family Day-Care Home" does not include a residence in which the needs of children are administered to if all such children are siblings of the same immediate family and the residence is their home.
- c. Type B Family Day-Care Home: A permanent residence of the provider in which child day-care or child day-care services are provided for one (1) to six (6) children at one time and in which no more than three (3) children may be under two (2) years of age at any one time. In counting children for the purposes of this definition, children under (6) years of age who are related to the provider and are on the premises of the Type B home shall be counted. The term "Type B Family Day-Care Home" does not include a residence in which the needs of children are administered to if all such children are siblings of the same immediate family and the residence is their home.

**Church:** A building which has as its main purpose assembly to worship.

**Clinic:** A place used for the care, diagnosis and treatment of sick, ailing, infirm or injured persons and those who are in need of medical and surgical attention, but who are not provided with room or board or kept overnight on the premises.

**Club:** A building or portion thereof or premises owned, used or operated by a corporation, association, person or persons for social, educational or recreational

purposes but not primarily for profit or to render a service which is customarily carried on as a business.

**Commercial Storage Facility:** A site designed to provide warehousing and storage facilities for general merchandise, refrigerated goods, and other warehouse products. Such facilities provide the means of securing and storing goods. Such facilities are not engaged in the sale of stored goods. They may also provide a range of services including labeling, breaking bulk, inventory control, packaging and transportation. Such establishments must always provide warehousing facilities in addition to any other ancillary services.

**Commercial Storage Units:** Structures intended to provide secure space for storage for rent or lease. Said structures are typically compartmentalized into rooms, bays, lockers, or containers and allow clients access to store and retrieve their goods. Said structures are limited to one-story heights. Permitted storage is restricted to only those goods stored under roof and inside a leased/rented unit. Said units are not to be used for human dwellings. Facilities may also accommodate exterior storage of vehicles, equipment or goods if suitably landscaped.

**Composting:** The activities undertaken to promote the biological decomposition of organic matter. Such organic matter is restricted to grass clippings, wood chippings, fruit and vegetable scraps, garden plants, weeds, and leaves.

**Conditional Use:** A use permitted within a district other than a principally permitted use, requiring a Conditional Use Certificate and approval of the Board of Zoning Appeals. Additional uses permitted in each district are presented in the Official Schedule of District Regulations.

**Construction:** The erection of a new structure, as compared with alteration.

**Court:** An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two (2) sides by the walls of such building.

**Customary Home Occupation:** see HOME OCCUPATION.

**Demolition Materials:** Materials from construction operations and from demolition operations including but not limited to those items that are affixed to a structure, including driveways and highways being constructed or demolished, such as brick, concrete, asphalt, asphalt products, stone, glass, metal, wallboard, framing and finish lumber, roofing materials, wiring and insulation materials.

**Directional Sign:** See SIGN, DIRECTIONAL.

**Disabled Vehicle:** Any vehicle meeting either of the following conditions: (1) Extensively damaged, such damage including, but not limited to, a broken windshield, missing wheels, tires, motor, or transmission; (2) Apparently inoperable as defined in Section 4513.65 of the Ohio Revised Code or in such statute as it may hereafter be amended.

**District:** All properties or lots of the same use, height and area classification which adjoin or are continuous without intervening property of another classification and regardless of any street, alley, easement or reserve that may intervene shall constitute a district. The greatest dimensions of the area included in a district shall be the length of

the projection of the district upon the centerline of a street which passes through the district or upon which the property abuts, such projections being made at right angles to the street.

**Dry Cleaning Establishment:** Dry cleaning establishment is a use involving the cleaning or dyeing of fabrics by the use of mechanical appliances and the use of chemicals or products other than water.

**Dwelling:** Any building or structure (except a house trailer or mobile home as defined by Section 4501.01 of the Ohio Revised Code or in such statute as it may hereafter be amended) which is wholly or partly used or intended to be used for living or sleeping by one (1) or more human occupants.

**Dwelling, Bed and Breakfast, Tourist Home:** A dwelling or part thereof, other than a hotel, motel or restaurant, where meals and/or lodging are provided for compensation for three (3) or more unrelated persons and where no cooking or dining facilities are provided in the individual rooms.

**Dwelling, Multiple:** A building or portion thereof, containing three (3) or more dwelling units and designed for or occupied as the home of three (3) or more families living independently of each other.

**Dwelling, Single Family:** A detached building containing one (1) dwelling unit and designed for or occupied by only one (1) family.

**Dwelling, Two Family:** A detached or semi-detached building containing two (2) dwelling units and designed for or occupied by two (2) families.

**Dwelling Unit:** A group of rooms located within a building and forming a single-habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating purposes.

**Dwelling Units Attached and/or Semi-Attached:** A dwelling for human habitation with exterior walls in whole or in part attached to abutting dwellings within the same building or structure. Arrangements of dwelling units within such buildings include attachment-horizontally-by side and rear walls, vertically by ceilings and floors and combinations thereof.

**Easements:** Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of this property.

**Elderly Household:** Not more than three (3) persons, related or unrelated, who occupy a single dwelling unit, of whom one person is elderly.

**Elderly Housing Facility:** A building or buildings containing twelve (12) or more dwelling units where occupancy is restricted to elderly persons or households. Such facilities may include emergency first aid care, day care, therapy, personal care, nursing facilities, and recreational facilities and provide for independent or semi-independent living. The purposes of this definition, "elderly housing facility" shall not include convalescent homes, nursing homes, group residential facilities, or homes for the aged.

**Elderly Person:** Any person who is sixty-two (62) years of age or older, or any person under sixty-two (62) years of age who is handicapped such that the physical



impairments are of a long-term duration and impede one's ability to live independently without a suitable housing environment.

**Erect:** Erect shall mean construct, build, raise or establish either under, upon or above the ground surface.

**Essential Services:** The erection, construction, alteration or maintenance by public utilities or governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment, and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utilities or government agencies or for the public health or safety or general welfare, including safety service buildings.

**Explosive:** A chemical or material used to create an explosion.

**Extend:** Extend shall mean to enlarge or increase area used or occupied.

**Factory-built Housing:** A factory-built structure designed for long-term residential use, the components of which are essentially constructed or assembled prior to its delivery to and installation upon a site. For the purposes of this Resolution, "factory-built housing" shall include the following:

- a. **Manufactured Home:** Any nonself-propelled vehicle transportable in one or more sections which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is three-hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a permanent dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, and which bears a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards.
- b. **Modular Home:** Factory-built housing certified as meeting the State Building Code as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site-built homes.
- c. **Mobile Home:** A transportable factory-built home designed to be used as a year-round residential dwelling and built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976, or built subsequent to such Act but not certifiable to compliance with it.

**Family:** One (1) or more persons occupying a premises and living as a single housekeeping unit, provided that unless all members are related by blood, adoption or marriage, no such family shall contain over five persons.

**Fence/Fencing:** A structure requiring a zoning permit comprised of either wood, masonry, stone or wire mesh used for purposes of aesthetics, security or privacy.

**Flag Lot:** A lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway.

**Flood Stage:** The highest point at which flood waters have risen in the specific area in question.

**Floodplain:** That land, subject to periodic flooding, which is shown on the Perry Township Official Zoning Map on file at the Office of the Zoning Inspector, and as identified as the Allen County Flood Insurance Rate Map Panels 390758 -0108B, -0109B, -0120B, -0138B, -0175B and/or any other designated Flood Insurance Rate Map (FIRM) hereafter.

**Floodway:** That portion of the floodplain, including the channel, which is reasonable required to convey the regional flood waters. Floods of less frequent recurrence are usually contained completely within the floodway. No development activity is allowed within the floodway.

**Floodway Fringe:** That portion of the floodplain, excluding the floodway, where development may be allowed under certain specific restrictions.

**Floor Area:** The sum of the gross horizontal areas of the stories of a building measured from the exterior faces of the building, but excluding basements, garages, breezeways and porches whether or not enclosed.

**Freestanding Sign:** See SIGN, FREESTANDING.

**Front of a Building; Front Line of a Building; Building Line:** Shall mean respectively, that portion, building line or yard line, adjacent to or fronting on a street or alley line in the sense of affording principal access to the building.

**Frontage:** All of the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or the entire street if not intersected or if the street is dead ended then all of the property abutting on one (1) side between an intersecting street and the dead end of the street.

**Garage, Private:** An accessory building or portion of a main building designed or used for the parking or temporary storage of motor vehicles owned or used by the occupants of the building to which it is accessory; not more than one (1) of such vehicles may be a commercial vehicle not exceeding one and one-half (1.5) ton capacity. Within a private garage no occupation, trade, business or service connected in any way with motor vehicles may be carried on.

**Garage, Public:** A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling or storing motor-driven or related vehicles.

**Garage, Service Station:** Buildings and premises where gasoline, oil, grease, batteries, tires, and motor vehicle accessories may be supplied and dispensed at retail, and where in addition, the following services may be rendered and sales made:

- a. Sales and service of spark plugs, batteries, and distributor parts;
- b. Tire servicing and repair, but not recapping or regrooving;

- c. Replacement of mufflers and tail pipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease containers, wheel bearings, mirrors, and the like;
- d. Radiator cleaning and flushing;
- e. Radiator welding and repair;
- f. Greasing and lubrication;
- g. Providing and repairing fuel pumps, oil pumps, and lines;
- h. Minor servicing and repair of carburetors;
- i. Adjusting and repairing brakes;
- j. Minor motor adjustment not involving removal of the head or crankcase or racing the motor;
- k. Sales of cold drinks, packaged food, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principal operations;
- l. Provisions of road maps and other informational material to customers, provision of restroom facilities; and,
- m. Warranty maintenance and safety inspections.

Uses permissible at a filling station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operational condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in filling stations. A filling station is not a repair garage or a body shop.

**Garage, Storage:** A building or portion thereof designed or used exclusively for storage of motor driven or related vehicles and at which motor fuels and oils are not sold and such vehicles are not equipped, serviced, repaired, hired or sold.

**Grade:**

- a. For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street.
- b. For buildings having walls adjoining more than one street, the average of the elevation of the sidewalks at the centers of all walls adjoining the streets.
- c. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

Any wall approximately parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street. Where no sidewalk exists or where none of the walls adjoin a street line, for the purposes of this Resolution, the grade shall be established by the Zoning Inspector.

**Group Residential Facility:** A group residential facility is a community residential facility, licensed and/or approved and regulated by the State of Ohio, which provides rehabilitative or habilitative services. There are two (2) classes of group residential facilities:

- a. Class I: Any state, federal, or locally approved dwelling or place used as a foster home for children or adults (not including nursing homes) or as a home for the care or rehabilitation of dependent or predelinquent children, for the physically handicapped or disabled, or for those with mental illness or developmental disabilities. A Class I Type A group residential facility contains six (6) or more residents, exclusive of staff. A Class I Type B group residential facility contains five (5) or less residents, exclusive of staff.
- b. Class II: Any state, federal, or locally approved dwelling or place used as a home for juvenile offenders; a halfway house providing residential care or rehabilitation for adult offenders in lieu of institutional sentencing; a halfway house providing residence for persons leaving correctional institutions; and residential rehabilitation centers for alcohol and drug abusers, provided that detoxification is expressly prohibited on such premises. A Class II Type A group residential facility contains six (6) or more residents, exclusive of staff. A Class II Type B group residential facility contains five (5) or less residents, exclusive of staff.

**Hazardous Wastes:** Materials as are described in Section 3734.01(J) of the Ohio Revised Code or in such statute as it may hereafter be amended.

**Home Occupation:** Any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the premises as a dwelling unit by conditional use permit, and does not change the character thereof. Activities such as teaching, tutoring, babysitting, tax consulting and the like shall not involve more than three (3) employees and shall be limited to immediate family only. The conducting of a clinic, hospital, barbershop, beauty parlor, tearoom, tourist home, animal hospital or any similar use shall not be deemed to be a home occupation.

**Home, Tourist:** A building or part thereof where lodging is provided by a resident in their home for compensation, mainly for transients.

**Hospital:** An institution for surgical or medical care equipped for the overnight stay of sick, injured or infirmed persons.

**Hotel:** A building in which lodging or boarding and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office normally supervised by a person in charge at all hours. As such, it is open to the public as distinguished from a boarding house, a lodging house or an apartment which are herein separately defined.

**Industry:** Industry embraces any operation involving the manufacture, production, processing or conversion of any material into a finished product, or product needing only a relatively small degree of further processing to result in its suitability for sale as an article of use.

**Institution:** A building occupied by a non-profit corporation or a non-profit establishment for public use.

**Junk:** Pursuant to Section 4737.05 (A) of the Ohio Revised Code or in such statute as may hereafter be amended, junk as used in this Resolution shall be deemed to be any personal property which is or may be salvaged for reuse, resale, reduction or similar disposition or which is possessed, transported, owned, collected, accumulated, dismantled or assorted for the aforesaid purposes.

**Junk Motor Vehicle:** Pursuant to Section 4513.63 of the Ohio Revised Code or in such statute as may hereafter be amended, junk motor vehicle as used in this Resolution shall mean any motor vehicle three (3) years old or older, extensively damaged, including but not limited to missing wheels, motor or transmission and apparently inoperable whether or not the vehicle has a valid motor vehicle registration.

**Junk Yard or Commercial Salvage Yard:** Pursuant to Section 4513.63 of the Ohio Revised Code or in such statute as may hereafter be amended, any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment, but not including areas where such uses are conducted entirely within a completely enclosed building, and not including establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition, salvaged machinery, and the processing of used, discarded or salvaged materials as part of manufacturing operations.

**Kennel, Animal:** Any lot or premises on which four (4) or more domesticated animals, other than horses, more than four (4) months of age are housed, groomed, bred, boarded, trained, or sold which may or may not offer provisions for minor medical treatment.

**Laundry - Automatic:** A business that provides home-type washing, drying and/or ironing machines for hire to be used by customers on the premises or operated for the benefit of retail customers who bring in and call for laundry.

**Living Area:** The total square footage of usable living floor space within the defined areas created by the walls of a dwelling. Such area does not include open patios, open terraces, or courts, open breezeways, outside steps, basements, garages and/or carports.

**Least Dimension:** The least dimension of a lot is the least of the horizontal dimensions of such lot; and if two opposite sides of a lot are not parallel, such least dimensions shall be deemed to be the mean distance between them, but shall be not less than sixty percent (60%) of the longest of such distance.

**Level:** That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

**Level, Half:** A partial level under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are more than two (2) feet, but not more than five (5) feet above the floor of such level, except that any partial level used for residence purposes, other than by a family occupying the floor immediately below it, shall be deemed a full level.

**Loading Space:** A space within the main building or on the same lot providing for the parking, loading or unloading of trucks. The space having a minimum dimension of twelve (12) by thirty-five (35) feet in length and a vertical clearance of at least fourteen (14) feet in height.

**Loading Space, Off-Street:** Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

**Lodging or Rooming House:** A dwelling or part thereof where lodging is provided for three (3) or more but not more than twenty (20) persons.

**Lot:** For the purpose of this Resolution, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street and may consist of: (1) a single lot of record; (2) a portion of a lot of record; and, (3) a combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.

**Lot, Area:** The total area (depth times width) within the lot lines of a lot, not including any portion of a publicly dedicated street or road right-of-way.

**Lot, Corner:** A corner lot is defined as a lot located at the intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.

**Lot Coverage:** The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

**Lot, Depth of:** The average horizontal distance between the front line and the rear line of the lot, measured in the general direction of the side lot lines.

**Lot, Interior:** A lot other than a corner lot or through lot, with frontage on only one (1) street.

**Lot Lines:** The property lines between two (2) established parcels of land or one (1) parcel and public property.

- a. The front lot line is the line separating the lot from a street. In the case of corner lots, the street lot line of least dimension shall be deemed to be the front lot line and the other street lot line, or lines, shall be deemed to be side lot lines, except in cases where deed restrictions or usage in effect specify another line as the front lot line. In the event such street lot lines are of equal dimensions, the front lot lines shall be as designated by the Board of Zoning and Building Appeals.
- b. The rear lot line is the lot line opposite and most distant from the front lot line.
- c. The side lot line is any lot line other than a front or rear lot line.
- d. A street lot line is the lot line separating the lot from a street; an alley lot line is the line separating the lot from an alley.

**Lot of Record:** A lot which is part of a subdivision, the map of which has been recorded in the office of the County Recorder of Allen County, Ohio, or a parcel of land described by metes and bounds, the description of which has been recorded in the office of the County Recorder of Allen County, Ohio.

**Lot, Through:** A lot having frontage on two (2) streets, as distinguished from a corner lot. Through lots abutting two (2) streets may be referred to as double frontage lots.

**Lot, Width of:** The distance measured between the side lot lines at the front building line.

**Major Thoroughfare Plan:** The portion of comprehensive plan adopted by the Regional Planning Commission indicating the general location recommended for arterial, collector, and local thoroughfares within the appropriate jurisdiction.

**Manufactured Home Park:** Any lot upon which two or more manufactured homes are located for residential use, either free of charge or for revenue purposes, including any roadway, building, structure, vehicle, or enclosure used or intended to be used as a part of the facilities of such park.

**Manufacturing, Heavy:** Manufacturing, processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, and ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond the district boundary. Heavy manufacturing activities are associated with the M-2 Manufacturing District zoning designation.

**Manufacturing, Light:** Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within enclosed structures; and generating little industrial traffic and no nuisances. Light Manufacturing Activities are associated with the M-1 Manufacturing District zoning designation.

**Manufacturing, Extractive:** Any mining, quarrying, excavating, processing, storing, separating, cleaning, or marketing of any mineral natural resource.

**Medical Center:** A principal building used by one or more physicians, surgeons or dentists as offices, clinics, laboratories and operating rooms for the diagnosis and treatment of human ailments and the care of patients before and after minor operations.

**Mineral:** Any chemical compound occurring naturally as a product of inorganic processes.

**Mixed Occupancy:** A single piece of property on which two (2) or more different uses, as defined in this Resolution, are contemplated or in existence.

**Mobile Home Park:** Any site, or tract of land under single ownership, upon which two (2) or more mobile homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.

**Motel or Motor Hotel:** A series of attached, semi-attached or detached sleeping or living units for the accommodation of automobile transient guests, said units having convenient access to off-street parking spaces for the exclusive use of the guests or occupants.

**Nonconforming Uses:** A lawful use of land or of a building, or portion thereof, at the effective date of this Resolution or at the effective date of an amendment thereto or change of the District Map, which use does not conform after the passage of this Resolution or amendment thereto or change in the District Map with the use requirements of the District in which it is situated.

**Nursery, Nursing Home:** A home or facility for the care and treatment of babies, children, pensioners, or elderly people.

**Nursery, Plant Materials:** Land, building, structure, or combination thereof for the storage, cultivation, and transplanting of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping.

**Nursing Home:** A home for the aged, chronically ill or incurable persons in which three (3) or more persons not of immediate family are received, kept and provided with food, or shelter and care, for compensation; but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis, treatment or care of the sick or injured.

**Open Space:** Is the land within the development set-aside, dedicated and designated for public or private uses or enjoyment or for the use and enjoyment of owners, occupants and their guests of land adjoining or neighboring such open space. The area may include, along with the natural environmental features, water areas and any other recreational facilities that the Zoning Commission deems permissive. Streets, parking areas, dwellings, structures, required setbacks, and the like shall not be included.

**Park:** A public, private and/or commercial area which is to be used for recreational purposes.

**Parking Lot:** An area of land, the primary use of which is for the parking of motor vehicles.

**Parking Space:** A surfaced area, either enclosed in the main building or in an accessory building or unenclosed, having an area of not less than two hundred (200) square feet exclusive of driveways, for the parking of one (1) automobile and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress.

**Person:** Person shall include an individual, partnership, corporation, club or association.

**Planned Unit Development:** An area of land in which a variety of housing types and subordinate commercial and industrial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles and landscaping plans.



**Pond:** A natural or artificially formed structure with an enclosed body of water more than six hundred (600) gallons. Perry Township recognizes inherent differences in the character and use of ponds and regulates the following type of ponds: detention ponds, retention ponds, agricultural ponds and aesthetic ponds. Ponds shall be permitted as an accessory use in all districts subject to specific conditions and permits.

**Porch:** A roofed, open structure projecting from the front, side or rear wall of the building without any enclosed features of glass, wood or other material, except screens and support structures.

**Premises:** Premises shall include lands and all things of a permanent nature which may be appurtenant thereto.

**Private Residence:** Private residence is a place of usual or customary abode.

**Professional Office:** Office of members of recognized professions such as architect, artist, dentist, engineer, musician, physician, surgeon, surveyor or other professional person.

**Public Notice:** Public notice as used in conjunction with this Resolution shall mean and conform to the provisions of Section 713.12 of the Ohio Revised Code (1970 S159. Eff. 6/1/70, 128 v 128, 127 v 363) or in such statute as it may hereafter be amended.

**Public Service Facilities:** Utility installations, buildings and distribution facilities providing service to the general public, including electric power plants, water treatment plants, sewage disposal installations, communication facilities and repair and storage buildings and areas incident to such facilities not including railroads and railroad facilities.

**Public Service Facility:** The erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.

**Public Uses:** Public parks, schools, administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

**Public Utility:** Any person, firm, corporation, government or board, duly authorized to furnish, under state or local legislation, to the public, electricity, sewers, gas, communication services, transportation or water.

**Public Way:** An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk, bicycle path, or other ways in which the general public or a public entity has a right, or which are dedicated, whether improved or not.

**Quarry, Sand Pit, Gravel Pit, Top Soil Stripping:** A lot or land or part thereof used for the purpose of extracting stone, gravel, or top soil for sale, as an industrial or commercial operation, and is exclusive of the process of grading a lot preparatory to the construction of a building for which application for a zoning permit has been made.

**Quasipublic Use:** Churches, Sunday schools, parochial schools, colleges, hospitals, and other facilities of an educational, religious, charitable, philanthropic, or non-profit nature.

**Rear of a Building, Rear Line of a Building, Rear Yard Line:** Rear of a building, rear line of a building, rear yard line shall mean respectively that portion, building line or yard line opposite to the front line of a building, whether or not affording service access to the building.

**Recreation Camp:** An area of land on which two or more travel trailers, campers, tents or other similar temporary recreational structures are regularly accommodated with or without charge, including any building, structure, fixture or equipment that is used or intended to be used in connection with providing such accommodations.

**Recreation Facilities:** Public or private facilities that may be classified as either "extensive" or "intensive" depending upon the scope of services offered and the extent of use. "Extensive" facilities generally require and utilize considerable areas of land and include, but need not be limited to hunting, fishing, and riding clubs and parks. "Intensive" facilities generally require less land (used more intensively) and include, but need not be limited to, miniature golf courses, amusement parks, stadiums, and bowling alleys.

**Regional Planning Commission:** The Lima-Allen County Regional Planning Commission.

**Research Activities:** Research, development, and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering. All research, testing, and development shall be carried on within entirely enclosed buildings; and no noise, smoke, glare, vibration, or odor shall be detected outside of said building.

**Residence:** Residence shall be a general term implying a place of human habitation and embracing either single family house or multiple family house as defined in this Resolution.

**Right-of-Way:** A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts and bridges.

**Roadside Stand:** A temporary structure designed or used for the display or sale of agricultural products produced on the premises upon which a stand is located.

**Satellite Signal Receiver:** "Dish-type Satellite Signal-Receiving Antennas," "earth stations" or "ground stations," whether functioning as part of a basic service system, direct broadcast satellite system, or multi-point distribution service system, shall mean one (1) or a combination of two (2) or more of the following:

- a. A signal-receiving device such as a dish antenna whose purpose is to receive communications or signals from earth-orbiting satellites or similar sources.
- b. A low-noise amplifier (LNA) whose purpose is to boost, magnify, store, transfer or transmit signals.

c. A coaxial cable whose purpose is to convey or transmit signals to a receiver.

**Seat:** For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews, or space for loose chairs.

**Setback:** The minimum horizontal distance between the street line and the building or any projection thereof, excepting such projection as may be allowed by this Resolution and subsequent amendments thereto.

**Sewers, Central or Group:** An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

**Sewers, On-Site:** A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

**Shall:** The word "shall" as used in this Resolution is always mandatory.

**Sidewalk:** That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.

**Sign:** Any visual communication display, object, device, graphic, structure, or part, situated indoors or outdoors, or attached to, painted on, or displayed from a building or structure in order to direct or attract attention to, or to announce or promote an object, person, service, product, event, location, organization or the like by means of letters, words, designs, colors, symbols, fixtures, images or illuminations.

a. Sign, On-Premises: Any sign related to a business or profession conducted or to a commodity or service sold or offered upon the premises where such sign is located.

b. Sign, Off-Premises: Any sign unrelated to a business or profession conducted or to a commodity or service sold or offered upon the premises where such sign is offered.

c. Sign, Illuminated: Any sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light.

d. Sign, Lighting Device: Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.

e. Sign, Projecting: Any sign which projects from the exterior of a building.

**Sign - Area of:** The total exterior surface computed in square feet of a sign having but one (1) exposed exterior surface or one-half (0.5) of the total of the exposed exterior surface computed in square feet of a sign having more than one (1) such surface.

**Sign, Directional:** A sign located on private property which is used for the direction of traffic and parking; such as a no parking, disabled parking, entrance, exit, or delivery

entrance sign; and which does not contain the name of the facility and does not contain any advertising matter.

**Sign, Freestanding:** A sign that is supported by a pole (sometimes more than one) otherwise separated from the ground by air, or a ground sign for which the entire bottom of the sign is in contact with or in close proximity to the ground and which is separate from buildings.

**Slaughterhouse:** A slaughterhouse is a use or building arranged, used or devoted to the killing of animals.

**Solid Wastes:** Materials as are described in Section 3734.01(E) of the Ohio Revised Code or in such statute as it may hereafter be amended.

**Stable:** Any ancillary structure used for the domiciling of one or more horses, cattle, sheep, swine, or other animal excepting dogs and cats. (see KENNEL).

**Stable, Commercial:** A stable for horses, donkeys, mules or ponies which are let, hired, used or boarded on a commercial basis and for compensation.

**Stable, Private:** An accessory building for the keeping of horses, donkeys, mules, or ponies owned by the occupant of the premises and not kept for remuneration, hire or sale.

**Standard Equipment:** A criterion for the control of specific types of industrial equipment and the placement (or installation) of said industrial equipment relating to a specific manufacturing plant or process.

**Standard Performance:** A set of standards (instructions) established by the manufacturer of industrial equipment concerning the proper operation of said manufacturing equipment. These standards being developed by the manufacturer in the interest of protecting the public health and safety for the control of noise, odor, smoke, noxious gases and other objectionable or dangerous elements generated by and inherent in or incidental to land uses affected by the industrial equipment.

**Storage Shed/Building:** A small building consisting of one-hundred forty (140) square feet or less which is clearly identified by design and constructed as being intended for storage purposes only.

**Street:** A public or private way dedicated to public travel thirty (30) feet or more in width. The word "street" shall include the words road, highway, and thoroughfare and shall also include avenue, drive, circle, parkway, boulevard, and/or other similar term.

**Street Road Line - Alley Line:** A dividing line between a lot, tract or parcel of land and continuous street, road or alley.

**Structure:** Anything constructed or erected, the use of which requires more or less permanent location on the ground, including but without limiting the generality of the foregoing; fences, buildings, shelters, advertising signs, billboards, backstops for athletic pursuits and pergolas.

**Suitably Screened or Fenced:** A neat, orderly and healthy screen of evergreen or other suitable plant material not less than three (3) feet in height and with an expected

normal growth of at least five (5) feet in height within two (2) years, protected by a galvanized wire link fence of at least five (5) feet in height. A wooden or masonry fence or other landscaping may be substituted for the screening and wire link fence when appropriate. Bumper guards or wheel stops to prevent damage to the screen or fence by automobiles shall be provided when the required screen or fence surrounds parking lots or spaces.

**Swimming Pool:** A pool, pond, lake, or open tank, excluding those utilized in agricultural pursuits, containing at least one and one-half (1.5) feet of water at any point and maintained by the owner or manager.

- a. Private: Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multifamily development, or a community, the members and guests of a club, or the patrons of a motel or hotel; an accessory use.
- b. Community: Operated with a charge for admission; a primary use.

**Terrace:** A natural or artificial embankment between a building and its lot line. The "height of terrace" shall be the difference in elevation between the curb level and the top of the terrace at the center of the building wall.

**Theater:** A building or a part of a building devoted to the showing of live entertainment and/or moving pictures on a paid admission basis.

**Thoroughfare:** An officially designated federal or state numbered highway, county, township or village road designated as a thoroughfare on the Allen County Long Range Transportation Plan including any amendments thereto.

**Thoroughfare, Street, or Road:** The full width between property line bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

- a. Alley: A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
- b. Arterial Street: A general term denoting a highway used primarily for through traffic, carrying heavy loads and large volume of traffic usually on a continuous route.
- c. Collector Street: A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
- d. Cul-de-Sac: A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
- e. Dead-end Street: A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
- f. Local Street: A street primarily for providing access to residential or other abutting property.

- g. Loop Street: A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the one hundred eighty (180) degree system of turns are not more than one-thousand (1,000) feet from said arterial or collector street, nor normally more than six hundred (600) feet from each other.
- h. Marginal Access Street: A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial collector streets.

**Trade:** Trade embraces such commercial activities as are entailed in the interchange of goods and materials but does not include operating dealing with the manufacture of goods and materials.

**Trailer Camp or Mobile Home Camp:** A trailer camp or mobile home camp means any park, trailer park, trailer court, camp, site, lot, parcel or tract of land designed, maintained or intended for the purpose of supplying a location or accommodations for any trailer coach and upon which any trailer coach is parked and shall include all buildings used or intended for use as part of the equipment thereof whether a charge is made for use of the trailer camp and its facilities or not. Trailer camp or mobile home camp shall not include automobile or trailer sales lots on which unoccupied trailers are parked for purposes of inspection and sale.

**Trailers and/or Mobile/Motor Homes:** A transportable dwelling unit suitable for year-round occupancy and containing the same water supply, waste disposal, and electrical conveniences as in immobile housing. The removal of wheels, frames, and/or other equipment used in transporting said mobile home and placement on a permanent foundation such as concrete blocks, poured concrete, or other materials used in permanent foundations shall not be cause for reclassification to that of a permanent or immobile home. In no event shall a mobile home, often referred to as a trailer, trailer coach, or trailer house, be considered as a permanent, immobile home.

**Use:** The purpose for which either land or building is arranged, designed or intended, or for which either land or building is or may be occupied or maintained.

**Variance:** A variance is a relaxation of the terms of this Zoning Resolution where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Resolution would result in unnecessary and undue hardship. As used in this Resolution, a variance is authorized only for height, area, and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district, unless so authorized by this Resolution.

**Veterinary Animal Hospital or Clinic:** A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.

**Walkway:** A public way, four (4) feet or more in width, for pedestrian use only, whether along the side of a road or not.

**Waterways:** A channel or route for water (includes rivers, streams, channel, ditches, swales, etc.)

**Yard:** An open space at grade between a building and the adjoining lot lines unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of the rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

**Yard, Front:** An open unoccupied space on the same lot with the building extending across the entire width of the lot between the principal building and the right-of-way line or street line which the building faces.

**Yard, Rear:** The open unoccupied space on the same lot with the building extending across the entire width of the lot between the rear lot line and the nearest part of the principal building.

**Yard, Side:** An open unoccupied space on the same lot with the building extending along the side lot line from the front yard to the rear yard and lying between the side lot line and nearest part of the principal building.

**Zoning Certificate:** A permit issued by the Zoning Inspector stating that the occupancy of any use, lot building, or premise which has been created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure conforms to the requirements of this Resolution.

**Zoning Commission:** The Perry Township Zoning Commission as established by Article 21.4 of this Resolution as pursuant to Section 519.13 or in such statute as may be hereafter amended.

**Zoning Inspector:** The Zoning Inspector of Perry Township, Allen County, Ohio, or authorized representative.

**Zoning Map:** The Zoning Map of Perry Township, Allen County, Ohio, together with all amendments subsequently adopted.

**Zoning Permit:** A document issued by the Zoning Inspector authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

## ARTICLE 3

### ESTABLISHMENT OF DISTRICTS

#### 3.0 PURPOSE

The purpose of this Article is to establish zoning districts in order to realize the general purposes set forth in the preamble of this Resolution, to provide for orderly growth and development, and to protect the property rights of all individuals by assuring the compatibility of uses and practices within districts.

#### 3.1 ESTABLISHMENT OF DISTRICTS

The following zoning districts are hereby established for the unincorporated area of Perry Township, County of Allen, State of Ohio:

A	Agricultural District
R-1	Residential District
R-2	Residential District
R-3	Residential District
B-1	Business District
B-2	Business District
I-1	Industrial District
I-2	Industrial District
MHP	Manufactured Home Park District
FP	Floodplain District
R-PUD	Residential Planned Unit Development
SP-PUD	Special Use Planned Unit Development

Nothing in this Article shall be construed to require the actual location of any district on the Official Zoning Map, as it is the intent of this Resolution to provide the flexibility in its administration to allow future expansion.

#### 3.2 ZONING DISTRICT MAP

The districts established in Section 3.1, as shown on the Official Zoning Map, which, together with all data, references, explanatory material and notations thereon, are hereby officially adopted as part of this Resolution and hereby incorporated by reference herein, thereby having the same force and effect as if herein fully described in writing.

#### 3.3 ZONING MAP LEGEND

There shall be provided on the Official Zoning Map a legend which shall list the name of each zoning district and indicate the symbol for that district. A color, combination of colors, or black and white patterns may be used in place of symbols to identify the respective zoning districts in such legend. In addition to such legend, the Official Zoning Map shall provide sufficient space for compliance with Section 3.5.

#### 3.4 IDENTIFICATION OF OFFICIAL ZONING MAP

The following rules shall be used to determine the precise location of any zoning district boundary unless such boundary is specifically indicated on the Official Zoning Map:



- 3.4.1 Where district boundaries are so indicated as approximately following the center lines of thoroughfares or highways, street lines, or highway right-of-way lines; such center lines, street lines, or highway right-of-way lines shall be construed to be said boundaries;
- 3.4.2 Where district boundaries are so indicated that they approximately follow the lot lines; such lot lines shall be construed to be said boundaries;
- 3.4.3 Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map;
- 3.4.4 Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line;
- 3.4.5 Where the boundary of a district follows a stream, lake, or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Township unless otherwise indicated;
- 3.4.6 Where district boundaries are so indicated that they follow or approximately follow the limits of any political subdivision, such boundaries shall be construed as following such limits; and,
- 3.4.7 Whenever any street, alley, or other public way is vacated by official action (Board of Commissioners, Board of Township Trustees) the zoning district adjoining each side of such street, alley or public way shall automatically be extended to the center of such vacation, and all areas within that vacation shall thenceforth be subject to all regulations appropriate to the respective extended districts.

All questions and disputes concerning the exact location of zoning district boundaries shall be resolved by the Board of Zoning Appeals.

### **3.5 ZONING MAP AMENDMENTS**

Within thirty (30) days of the effective date of any change of a zoning district classification or boundary, the Zoning Inspector shall amend the Official Zoning Map to reflect such change, and shall note the effective date of such change, together with appropriate reference to the resolution authorizing such change. The Official Zoning Map shall then be signed by the Chairman of the Township Board of Trustees and attested to by the Clerk.

## ARTICLE 4

### AGRICULTURAL DISTRICT

#### 4.0 **PURPOSE**

The purpose of the Agricultural District is to provide for, and maintain, the rural areas of the Township for agriculture and agricultural-related pursuits and should not be developed for urban purposes.

#### 4.1 **PERMITTED USES**

The following uses and no other shall be permitted in all Agricultural Districts:

- 4.1.1 Any agricultural use including farming, dairying, pasturage, agriculture, horticulture, foresting, floriculture, viticulture, animal and poultry husbandry, and mineral mining licensed by the State of Ohio;
- 4.1.2 Single family dwelling, but excluding tents, cabins, trailers, trailer coaches, and mobile homes, shall be allowed as a conditional use in an Agricultural District provided the dwelling is placed on a lot the minimum size of which is to be two and one-half (2.5) acres;
- 4.1.3 Residential related accessory buildings and uses shall be allowed as a secondary use in an Agricultural District;
- 4.1.4 Publicly owned and operated buildings and facilities;
- 4.1.5 Schools; and,
- 4.1.6 Public parks and community centers less than five (5) acres in size.

#### 4.2 **CONDITIONAL USES - WITH APPROVAL BY THE TOWNSHIP BOARD OF ZONING APPEALS AFTER A PUBLIC HEARING**

- 4.2.1 Country clubs, private clubs or lodges, golf courses and similar uses shall be allowed as a conditional use in an Agricultural District provided:
  - a. No structure or recreation area shall be placed a distance of less than one hundred (100) feet from any lot line.
- 4.2.2 Commercial stables shall be allowed as a conditional use:
  - a. Any land or building used for the stabling, keeping, exercising, pasturing, corralling or any other purpose for the raising of or caring for horses shall be located at least one hundred (100) feet from an adjoining property line;
  - b. That the lands and buildings used for such purposes be kept clean and in a sanitary condition;
  - c. Facilities shall encompass at least twenty (20) acres in size; and,

- d. There shall be provided at least one (1) off-street parking space measuring ten (10) by twenty (20) feet for every employee of the facility when operating at maximum capacity. In addition at least one (1) off-street parking space measuring ten (10) feet by twenty (20) feet shall be provided for every four (4) residents or clients of the facility when operating at maximum capacity.

4.2.3 Cemeteries shall be allowed as a conditional use in an Agricultural District provided:

- a. No grave sites shall be located nearer than fifty (50) feet from any property line; and,
- b. No structure shall be located nearer than one hundred (100) feet from any property line.

4.2.4 Churches shall be allowed as a conditional use in an Agricultural District provided:

- a. No structure or recreation area shall be placed a distance of less than one hundred (100) feet from any lot line;
- b. The church shall be placed on a lot at least two and one-half (2.5) acres in size; and,
- c. There shall be provided at least one (1) off-street parking space measuring ten (10) feet by twenty (20) feet for every three (3) persons expected in the church when the building is occupied at its maximum capacity.

4.2.5 Convalescent Homes and Elderly Day-Care Facilities shall be allowed as a conditional use in an Agricultural District provided:

- a. No structure shall be placed a distance of less than fifty (50) feet from any lot line;
- b. The facility shall be placed on a lot at least five (5) acres in size; and,
- c. There shall be provided at least one (1) off-street parking space measuring ten (10) feet by twenty (20) feet for every employee of the facility when operating at maximum capacity. In addition, at least one (1) off-street parking space measuring ten (10) feet by twenty (20) feet shall be provided for every four (4) residents or clients of the facility when operating at maximum capacity.

4.2.6 Veterinary Hospitals (Large Animal Practices) shall be allowed as a conditional use in an Agricultural District provided:

- a. No structure or outdoor area used for the treatment, housing or exercise of animals shall be located at a distance of less than one hundred (100) feet from any lot line;
- b. The facility shall be placed on a lot at least five (5) acres in size; and,

- c. Adequate off-street parking shall be provided.
- 4.2.7 Extractive activities, including quarrying and mining of natural resources, are subject to the provisions of Section 12.9.
- 4.2.8 Veterinary Clinics (Household Pets) shall be allowed as a conditional use in an Agricultural District provided:
- a. No structure or outdoor area used for the treatment, housing or exercise of animals shall be located at distance of less than one hundred (100) feet from any lot line;
  - b. The facility shall be placed on a lot at least two and one-half (2.5) acres in size; and,
  - c. Adequate off-street parking shall be provided.

**4.3 DRAINAGE**

Lots shall be developed and activities conducted with due consideration to storm runoff and drainage. Lot drainage onto adjoining property shall not be diverted, channelized, or increased so as to cause damage or increased liability to adjoining properties.

Elevation and grade changes are to be accommodated by intercepting the lot drainage before exiting the premises by proper use of systems such as diversion channels, drainage swales, catch basins with suitable conduits to remove water, or a combination of systems.

## ARTICLE 5

### R-1 RESIDENTIAL DISTRICT

#### 5.0 **PURPOSE**

The purpose of the R-1 Residential District is to provide an area for low density residential and associated land uses. In an R-1 Residential District no building or premise shall be used and no building shall be erected which is arranged, intended or designed to be used for other than one or more of the following specified uses.

#### 5.1 **USES PERMITTED IN THE R-1 RESIDENTIAL DISTRICT**

- 5.1.1 Single-family dwelling, but excluding tents, cabins, trailers, trailer coaches, and mobile homes;
- 5.1.2 Accessory buildings and uses; and,
- 5.1.3 Church and other places of worship, including Sunday School building, but only provided the main building thereof be not less than fifty (50) feet from adjoining property lines.

#### 5.2 **CONDITIONAL USES - WITH APPROVAL BY THE TOWNSHIP BOARD OF ZONING APPEALS AFTER A PUBLIC HEARING**

- 5.2.1 A church-affiliated day care or school building subservient and subsequent to a permitted use;
- 5.2.2 Country clubs, private clubs or lodges, golf courses and similar uses and facilities. Buildings and structures shall be located not less than seventy-five (75) feet from any other lot line;
- 5.2.3 Utility sub-stations and pump houses providing that such structures will not detract from the general appearance of the area nor adversely affect the comfort, safety or welfare of the residents of the area;
- 5.2.4 Any person may maintain an office or may carry on a customary home occupation such as handicrafts, dressmaking, millinery, laundry, preserving and home cooking; provided that such occupations shall be conducted exclusively by resident occupants, that not more than one-quarter of the floor area of said residence shall be used for such purpose, that no structural alterations involving features not customarily found in dwellings are required, and that the entrance to the space devoted to such use shall be from within the dwelling. An unlighted sign of not over two (2) square feet in area and attached flat against the building shall be permitted (See Section 12.7); and,
- 5.2.5 Funeral home. Pursuant to section 17.4.

#### 5.3 **MAXIMUM HEIGHT REGULATIONS WITHIN THE R-1 RESIDENTIAL DISTRICT**

See "Official Schedule of District Regulations" Section 12.3.

**5.4 REQUIRED FLOOR AREA IN THE R-1 RESIDENTIAL DISTRICT**

See "Official Schedule of District Regulations" Section 12.3.

**5.5 REQUIRED LOT SIZE REGULATIONS AND FRONTAGE WITHIN THE R-1 RESIDENTIAL DISTRICT**

See "Official Schedule of District Regulations" Section 12.3.

**5.6 REQUIRED YARD REGULATIONS WITHIN THE R-1 RESIDENTIAL DISTRICT**

See "Official Schedule of District Regulations" Section 12.3.

**5.7 REQUIRED SETBACK REGULATIONS WITHIN THE R-1 RESIDENTIAL DISTRICT**

Any building erected in any District shall be so maintained and situated to provide that no portion thereof shall be closer to the section line (on roads centered about the section or quarter section lines) or center of the nearest road pavement than fifty-five (55) feet, except State and County Roads which shall be ninety (90) feet, except any building appurtenant to a nonconforming building shall be maintained and situated to provide that no portion thereof shall be closer to the section line (on roads centered about the section or quarter section lines) or center of the nearest road pavement than the existing nonconforming building erected before the adoption of this zoning resolution, and any dwelling shall also be maintained and situated to provide that no portion thereof shall be closer to the section line (on roads centered about the section or quarter section lines or center of the nearest road pavement than the average setback of any existing dwellings within one hundred (100) feet of the proposed dwelling and which fronts on the same road.

See "Official Schedule of District Regulations" Section 12.3.

## ARTICLE 6

### R-2 RESIDENTIAL DISTRICT

#### 6.0 **PURPOSE**

The purpose of the R-2 Residential District is to provide an area for medium density single and multiple-family residential and associated land uses normally considered an integral part of the neighborhood they serve. In an R-2 Residential District, no building or premises shall be used and no building shall be erected which is arranged, intended or designed to be used for other than one or more of the following specified uses.

#### 6.1 **USES PERMITTED IN THE R-2 RESIDENTIAL DISTRICT**

- 6.1.1 Any permitted use established within the R-1 District;
- 6.1.2 Multiple family dwelling structures for occupancy by not more than two (2) families living independently of each other;
- 6.1.3 Church, school, library, college building, public park playground and/or buildings pertaining to the use thereof, but only provided the main building therefore, be not less than fifty (50) feet from adjoining property lines; and,
- 6.1.4 Accessory buildings and uses.

#### 6.2 **CONDITIONAL USES - WITH APPROVAL BY THE TOWNSHIP BOARD OF ZONING APPEALS AFTER A PUBLIC HEARING**

- 6.2.1 A church-affiliated day care or school building subservient and subsequent to a permitted use;
- 6.2.2 Country clubs, private clubs or lodges, golf courses and similar uses and facilities. Buildings and structures shall be located not less than seventy-five (75) feet from any other adjoining property line;
- 6.2.3 Utility sub-stations and pump houses providing that such structures will not detract from the general appearance of the area nor adversely affect the comfort, safety or welfare of the residents of the area;
- 6.2.4 Any person may maintain an office or may carry on a customary home occupation; provided that such occupations shall be conducted exclusively by resident occupants, that not more than one-quarter of the floor area of said residence shall be used for such purpose, that no structural alterations involving features not customarily found in dwellings are required, and that the entrance to the space devoted to such use shall be from within the dwelling. An unlighted sign of not over two (2) square feet in area and attached flat against the building shall be permitted (See Section 12.7);
- 6.2.5 A tourist house having not more than five (5) guest rooms when located on a State or Federal Highway provided the building in which such use is housed shall be located at least twenty-five (25) feet from other lots in any R-District;

6.2.6 Funeral home; and,

6.2.7 Cemeteries.

**6.3 MAXIMUM HEIGHT REGULATIONS WITHIN THE R-2 RESIDENTIAL DISTRICT**

See "Official Schedule of District Regulations" Section 12.3.

**6.4 REQUIRED FLOOR AREA WITHIN THE R-2 RESIDENTIAL DISTRICT**

See "Official Schedule of District Regulations" Section 12.3.

**6.5 REQUIRED LOT SIZE AND FRONTAGE REGULATIONS WITHIN THE R-2 RESIDENTIAL DISTRICT**

See "Official Schedule of District Regulations" Section 12.3.

**6.6 REQUIRED YARD REGULATIONS WITHIN THE R-2 RESIDENTIAL DISTRICT**

See "Official Schedule of District Regulations" Section 12.3.

**6.7 REQUIRED SETBACK REGULATIONS WITHIN THE R-2 RESIDENTIAL DISTRICT**

Any building erected in any District shall be so maintained and situated to provide that no portion thereof shall be closer to the section line (on roads centered about the section or quarter section lines) or center of the nearest road pavement than fifty-five (55) feet, except State and County Roads which shall be ninety (90) feet, except any building appurtenant to a nonconforming building shall be maintained and situated to provide that no portion thereof shall be closer to the section line (on roads centered about the section or quarter section lines) or center of the nearest road pavement than the existing nonconforming building erected before the adoption of this zoning resolution, and any dwelling shall also be maintained and situated to provide that no portion thereof shall be closer to the section line (on roads centered about the section or quarter section lines) or center of the nearest road pavement than the average setback of any existing dwellings within one hundred (100) feet of the proposed dwelling and which fronts on the same road.

See "Official Schedule of District Regulations" Section 12.3.



## ARTICLE 7

### R-3 RESIDENTIAL DISTRICT

#### 7.0 **PURPOSE**

The purpose of the R-3 Residential District is to provide an area for high density multiple-family residential and associated land uses normally considered an integral part of the neighborhood they serve. In an R-3 Residential District no building or premise shall be used and no building shall be erected which is arranged, intended or designed to be used for other than one or more of the following specified areas.

#### 7.1 **USES PERMITTED IN THE R-3 RESIDENTIAL DISTRICT**

7.1.1 Single family and two (2) family dwelling units;

7.1.2 Multiple family dwelling structures;

7.1.3 Churches, schools, libraries, college buildings, public parks, playgrounds and/or buildings pertaining to the use thereof. Buildings, accessory buildings and or other permanent structures shall be located not less than twenty-five (25) feet from any other lot in an R-District; and,

7.1.4 Private clubs, fraternities, sororities, lodges, and meeting places for other organizations not including any use that is conducted as a gainful business, provided that the buildings in which such uses are housed shall be located at least twenty-five (25) feet from any other lot in any R-District.

#### 7.2 **CONDITIONAL USES - WITH APPROVAL BY THE TOWNSHIP BOARD OF ZONING APPEALS AFTER A PUBLIC HEARING**

7.2.1 Rest homes, day care facilities, clinics, nursing homes;

7.2.2 Apartment hotels for any number of families or housekeeping units, but not primarily for transients;

7.2.3 Rooming or boarding houses, provided they are not primarily operated for transients and provided also that any building in which such uses are housed be located at least twenty-five (25) feet from any other lot in any R-District; and,

7.2.4 Building to be used exclusively to house the offices of civic, religious, or charitable organizations provided that the buildings in which such uses are housed shall be located at least twenty-five (25) feet from any other lot in any R-District.

#### 7.3 **MAXIMUM HEIGHT REGULATIONS WITHIN THE R-3 RESIDENTIAL DISTRICT**

See "Official Schedule of District Regulations" Section 12.3.

**7.4 REQUIRED FLOOR AREA WITHIN THE R-3 RESIDENTIAL DISTRICT**

See "Official Schedule of District Regulations" Section 12.3.

**7.5 REQUIRED LOT SIZE AND FRONTAGE REGULATIONS WITHIN THE R-3 RESIDENTIAL DISTRICT**

See "Official Schedule of District Regulations" Section 12.3.

**7.6 REQUIRED YARD REGULATIONS WITHIN THE R-3 RESIDENTIAL DISTRICT**

See "Official Schedule of District Regulations" Section 12.3.

**7.7 REQUIRED SETBACK REGULATIONS WITHIN THE R-3 RESIDENTIAL DISTRICT**

Any building erected in any District shall be so maintained and situated to provide that no portion thereof shall be closer to the section line (on roads centered about the section or quarter section lines) or center of the nearest road pavement than fifty-five (55) feet, except State and County Roads which shall be ninety (90) feet, except any building appurtenant to a nonconforming building shall be maintained and situated to provide that no portion thereof shall be closer to the section line (on roads centered about the section or quarter section lines) or center of the nearest road pavement than the existing nonconforming building erected before the adoption of this zoning resolution, and any dwelling shall also be maintained and situated to provide that no portion thereof shall be closer to the section line (on roads centered about the section or quarter section lines) or center of the nearest road pavement than the average setback of any existing dwellings within one hundred (100) feet of the proposed dwelling and which fronts on the same road.

See "Official Schedule of District Regulations" Section 12.3.

**7.8 LANDSCAPING AND SCREENING PROVISIONS**

For R-3 residential uses abutting any other R-District, the minimum yards may be reduced to fifty percent (50%) of the minimum side or rear yard requirements if acceptable landscaping or screening consisting of a wall or solid fence approved by the Board of Zoning Appeals is provided. Such screening shall be six (6) feet in height, maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or solid fence shall consist of a well maintained strip of land not less than ten (10) feet in width planted with evergreen hedge or dense planting of evergreen shrubs with interlocking branches not less than four (4) feet in height not closer than five (5) feet from the abutting property line at the time of planting.

See "Official Schedule of District Regulations", Section 12.3.

## ARTICLE 8

### B-1 LOCAL BUSINESS DISTRICT

#### 8.0 PURPOSE

The purpose of the B-1 Local Business District is to provide an area for a wide range of retail facilities and services of such nature as to be fully compatible to those residential areas immediately adjacent. In a B-1 Business District, no building or premises shall be used and no building shall be erected which is arranged, intended or designed to be used for other than one or more of the following described uses:

#### 8.1 USES PERMITTED IN THE B-1 BUSINESS DISTRICT

8.1.1 Business and Professional Offices: Banks, savings and loan institutions, public utility offices, insurance and real estate offices, office buildings, medical and dental office clinics, law, architectural, engineering, accounting and other professional offices;

8.1.2 Food, Drug and Beverages: Grocery stores, supermarkets, meat markets, fish markets, bakeries (in conjunction with retail sales), frozen food locker facilities, delicatessens, enclosed restaurants and ice cream parlors;

8.1.3 Specialty Shops: Gift shops, book, magazine and stationery outlets, florist shops, camera shops, photography studios, sporting goods and drive-in stores dealing entirely in the retail sale of any product and/or the servicing in conjunction with the sale of any product or service not restricted by the provisions of this Section;

8.1.4 Service and Recreation: Barber shops, beauty shops or any school engaged in the teaching of or instruction in any trade, shoe repair and tailor shops, appliance repair shops, laundromats using self-operating automatic washers, dryers and appliances and nonflammable fluids, dry cleaning establishments using nonflammable cleaning agents, retail printing shops, a funeral home or mortuary, hospitals, radio or television studios, bowling allies, assembly halls, enclosed theater or recreation facilities (pursuant to the provisions of Article 13);

8.1.5 Major Retail Outlets: Furniture, hardware, appliance, clothing, jewelry, shoe, paint and wall paper stores dealing entirely in the retail sale of any product not restricted by the provisions of this Section; and,

8.1.6 Rest homes, nursing homes, day care facilities, and churches.

#### 8.2 CONDITIONAL USES WITH APPROVAL BY THE TOWNSHIP BOARD OF ZONING APPEALS AFTER A PUBLIC HEARING

8.2.1 Commercial storage facilities including garages;

8.2.2 Commercial parking lots;

8.2.3 Any business facility engaged in the distribution of both retail and wholesale industrial products; and,

8.2.4 Hotels, motels, and motor lodges.

**8.3 REQUIRED LOT AREA AND FRONTAGE WITHIN THE B-1 DISTRICT**

See "Official Schedule of District Regulations" Section 12.3.

**8.4 BUILDING HEIGHT REGULATIONS WITHIN THE B-1 DISTRICT**

See "Official Schedule of District Regulations" Section 12.3.

**8.5 REQUIRED YARD REGULATIONS WITHIN THE B-1 DISTRICT**

See "Official Schedule of District Regulations" Section 12.3.

**8.6 REQUIRED SETBACK REGULATIONS WITHIN THE B-1 DISTRICT**

Any building erected in any District shall be so maintained and situated to provide that no portion thereof shall be closer to the section line (on roads centered about the section or quarter section lines) or center of the nearest road pavement than fifty-five (55) feet, except State and County Roads which shall be ninety (90) feet, except any building appurtenant to a nonconforming building shall be maintained and situated to provide that no portion thereof shall be closer to the section line (on roads centered about the section or quarter section lines) or center of the nearest road pavement than the existing nonconforming building erected before the adoption of this zoning resolution, and any dwelling shall also be maintained and situated to provide that no portion thereof shall be closer to the section line (on roads centered about the section or quarter section lines) or center of the nearest road pavement than the average setback of any existing dwellings within one hundred (100) feet of the proposed dwelling and which fronts on the same road.

**8.7 LANDSCAPING AND SCREENING PROVISIONS**

For non-residential uses abutting an R-District, acceptable landscaping or screening approved by the Board of Zoning Appeals shall be provided. Such screening consisting of a wall or solid fence shall be six (6) feet in height, maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than fifteen (15) feet in width planted with evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet and not closer than five (5) feet from the abutting property line in height at the time of planting.

**8.8 OTHER REQUIRED CONDITIONS**

Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water-carried waste and must comply with the performance standards of this Resolution.

## ARTICLE 9

### B-2 GENERAL BUSINESS DISTRICT

#### 9.0 **PURPOSE**

The purpose of the B-2 General Business District is to provide for those businesses and services which require a location other than in the local business districts being either highway oriented or requiring larger tracts of land not normally available in local business districts abutting residential developments.

#### 9.1 **USES PERMITTED IN THE B-2 BUSINESS DISTRICT**

- 9.1.1 Any permitted use within the B-1 District;
- 9.1.2 Bookbinding and upholstering shops;
- 9.1.3 Veterinary hospital for small animals;
- 9.1.4 Bottling works, plumbing heating and cooling, electrical, concrete masonry, building material establishments (providing no assembly, construction, millwork or concrete block manufacture is done on premises);
- 9.1.5 Sale at retail of any industrial product, including the repair or maintenance of equipment or facilities used in any residential or industrial connection;
- 9.1.6 Automotive and Related Uses: Automobile sales rooms, farm implement sales and related repair garages, automobile repair garages, customer parking lots associated with a business establishment, motorcycle and bicycle sales and repair shops, motor bus and cab terminals, gasoline service stations, provided all volatile products are stored underground;
- 9.1.7 Hotels, motels and motor lodges; and,
- 9.1.8 Accessory Uses or Buildings: Accessory buildings and uses customarily incidental to the above listed uses.

#### 9.2 **CONDITIONAL USES - WITH APPROVAL BY THE TOWNSHIP BOARD OF ZONING APPEALS AFTER A PUBLIC HEARING**

- 9.2.1 Multi-Family (4+) residential structures;
- 9.2.2 Commercial storage facilities including garages;
- 9.2.3 Commercial parking lots or truck terminals;
- 9.2.4 Retail and wholesale distributing businesses, providing that such activities shall:
  - 9.2.4.1 Not include the wholesaling of or distribution of live animals in preparation thereof for sale; and,

9.2.4.2 Petroleum and petroleum products wholesalers and retail outlets will stipulate to, and meet National Fire Protection Association (NFPA) #58 Guidelines, and that 18,000 gallon and larger LPG/CNG storage tanks will be steel vessels built to ASME standards and be permitted aboveground or underground when designed to include relief valves, excess flow valves and gauges for temperature, pressure and liquid level, with remote/automatic valve features required to provide enhanced product control and safety at the request of, and only after site plan approval of, the Perry Township Fire Chief.

9.2.5 Animal kennels, display and housing or boarding of pets and other domestic animals, provided that any enclosures or buildings in which the animals are kept shall be at least two hundred (200) feet from any R-District and exercise runs shall be enclosed on four (4) sides by a sight obscuring, unpierced fence or wall at least five (5) feet in height; and,

9.2.6 Amusement arcades and adult entertainment businesses (pursuant to the provisions of Article 12 and 13).

**9.3 REQUIRED LOT AREA AND FRONTAGE WITHIN THE B-2 DISTRICT**

See "Official Schedule of District Regulations" Section 12.3.

**9.4 BUILDING HEIGHT REGULATIONS WITHIN THE B-2 DISTRICT**

See "Official Schedule of District Regulations" Section 12.3.

**9.5 REQUIRED YARD REGULATIONS WITHIN THE B-2 DISTRICT**

See "Official Schedule of District Regulations" Section 12.3.

**9.6 REQUIRED SETBACK REGULATIONS WITHIN THE B-2 DISTRICT**

Any building erected in any District shall be so maintained and situated to provide that no portion thereof shall be closer to the section line (on roads centered about the section or quarter section lines) or center of the nearest road pavement than fifty-five (55) feet, except State and County Roads which shall be ninety (90) feet, except any building appurtenant to a nonconforming building shall be maintained and situated to provide that no portion thereof shall be closer to the section line (on roads centered about the section or quarter section lines) or center of the nearest road pavement than the existing nonconforming building erected before the adoption of this zoning resolution, and any dwelling shall also be maintained and situated to provide that no portion thereof shall be closer to the section line (on roads centered about the section or quarter section lines) or center of the nearest road pavement than the average setback of any existing dwellings within one hundred (100) feet of the proposed dwelling and which fronts on the same road.

See "Official Schedule of District Regulations" Section 12.3.

**9.7 LANDSCAPING AND SCREENING PROVISIONS**

For non-residential uses abutting an R-District, acceptable landscaping or screening approved by the Board of Zoning Appeals shall be provided. Such screening consisting of a wall or solid fence shall be six (6) feet in height, maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a well maintained strip of land not less than fifteen (15) feet in width planted with an evergreen hedge or dense planting of evergreen shrubs with interlocking branches not less than four (4) feet in height and not closer than five (5) feet from the abutting property line at the time of planting.

**9.8 OTHER REQUIRED CONDITIONS**

Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water-carried waste, and must comply with the performance standards of this Resolution.

## ARTICLE 10

### I-1 LIGHT INDUSTRIAL DISTRICT

#### 10.0 PURPOSE

The purpose of the I-1 Industrial District is to encourage the development of industrial and wholesale business establishments which are clean, quiet, and free of hazardous or objectionable elements such as noise, odor, dust, smoke or glare; operate entirely within enclosed structures and generate little industrial traffic. Research activities are encouraged. This district is further designed to act as a transitional use between heavy industrial uses and other less intense uses.

#### 10.1 USES PERMITTED IN THE I-1 INDUSTRIAL DISTRICT

- 10.1.1 Any permitted use established within Sections 9.1.4 through 9.1.8 inclusive;
- 10.1.2 Storage in bulk wholesale or for commodities such as building materials, contractors equipment, clothing fibers, either raw or finished, dregs, dry goods, feed, fertilizer, food, solid fuels, furniture, hardware, ice, machinery, metals, paint and paint materials, pipe, rubber and rubber products, shop supplies, liquid fuels, petroleum or petroleum products or volatile oils and liquids, provided, however, that the storage of liquid fuels, petroleum products, or volatile oils and liquids shall be underground in tanks of a maximum capacity of twenty thousand (20,000) gallons, built and constructed in accordance with the minimum regulations of the State of Ohio;
- 10.1.3 Laundry or dry cleaning plants and facilities;
- 10.1.4 Commercial printing or publishing establishments;
- 10.1.5 Cold storage plants, brewery, milk bottling, ice plants and storage, central distribution, wholesaling, or processing plants;
- 10.1.6 Freight terminals, truck terminals and railroad yards, to include the building of spur lines or switching facilities required or desirable in connection with any use permitted under this Section;
- 10.1.7 Lumber yard with planing mill;
- 10.1.8 Administrative, engineering, scientific research, design or experimentation facility, assaying of ore by laboratory methods, and such processing and fabrication as may be necessary thereto;
- 10.1.9 Manufacturing, compounding, processing, packaging or treatment of bakery goods, candy, cosmetics, dairy products, drugs and pharmaceutical products, soap (cold process only) and food products and bottling works, except the following: fish or meat products, sauerkraut, sugar beets, vinegar, yeast and the rendering or refining of fats and oils;



- 10.1.10 Manufacturing or processing of small items, including gloves, footwear, bathing caps, shoes, boots, boxes and cartons, hardware, toys, electric batteries, motors or generators, and textile products; and,
- 10.1.11 Assembling of electrical appliances, radios and phonographs and televisions, including the manufacturing of small parts only, such as coils, condensers, transformers, crystal holders, electric and electronic parts and equipment for wholesale, musical instruments, novelties, and light metal products.

**10.2 CONDITIONAL USES - WITH APPROVAL BY THE TOWNSHIP BOARD OF ZONING APPEALS AFTER A PUBLIC HEARING**

- 10.2.1 Amusement arcades and adult entertainment businesses (pursuant to the provisions of Articles 12 and 13);
- 10.2.2 Essential services; and,
- 10.2.3 Other industrial uses of a light nature, free from any objectionable odors, fumes, dirt, vibration, or noise detectable at the lot line.

**10.3 ACCESSORY USES IN THE I-1 DISTRICT**

Accessory uses and structures customarily accessory and incidental to any of the foregoing permitted uses in the I-1 District.

**10.4 REQUIRED LOT AREA WITHIN THE I-1 DISTRICT**

See "Official Schedule of District Regulations" Section 12.3.

**10.5 BUILDING HEIGHT REGULATIONS WITHIN THE I-1 DISTRICT**

See "Official Schedule of District Regulations" Section 12.3.

**10.6 REQUIRED YARD REGULATIONS WITHIN THE I-1 DISTRICT**

See "Official Schedule of District Regulations" Section 12.3.

**10.7 REQUIRED SETBACK REGULATIONS WITHIN THE I-1 DISTRICT**

Any building erected in any District shall be so maintained and situated to provide that no portion thereof shall be closer to the section line (on roads centered about the section or quarter section lines) or center of the nearest road pavement than fifty-five (55) feet, except State and County Roads which shall be ninety (90) feet, except any building appurtenant to a nonconforming building shall be maintained and situated to provide that no portion thereof shall be closer to the section line (on roads centered about the section or quarter section lines) or center of the nearest road pavement than the existing nonconforming building erected before the adoption of this zoning resolution, and any dwelling shall also be maintained and situated to provide that no portion thereof shall be closer to the section line (on roads centered about the section or quarter section lines) or center of the nearest road pavement than the average setback of any existing dwellings within one hundred (100) feet of the proposed dwelling and which fronts on the same road.

See "Official Schedule of District Regulations" Section 12.3.

**10.8 LANDSCAPING AND SCREENING PROVISIONS**

For I-1 Industrial uses abutting an R-District, screening must be approved by the Board of Zoning Appeals. Such screening consisting of a wall or solid fence shall be six (6) feet in height, maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than fifteen (15) feet in width planted with evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height at the time of planting.

**10.9 OTHER REQUIRED CONDITIONS**

Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water-carried waste and must comply with the performance standards of this Resolution.

## ARTICLE 11

### I-2 GENERAL INDUSTRIAL DISTRICT

#### 11.0 **PURPOSE**

The purpose of the I-2 General Industrial District is to encourage the development of industrial facilities of a moderate and heavy nature.

#### 11.1 **USES PERMITTED IN THE I-2 INDUSTRIAL DISTRICT**

11.1.1 Any permitted use established within the I-1 District;

11.1.2 Grain elevators, concrete plants and the manufacture, storage and sale of related products;

11.1.3 Metal fabrication and casting plants;

11.1.4 Establishments involved in the manufacturing, assembling, remodeling and distribution of automobiles, trucks, boats, household goods, farm equipment, construction and building equipment and products, and plastic and metal products; and,

11.1.5 Carpentry, woodworking and machine shops.

#### 11.2 **CONDITIONAL USES - WITH APPROVAL BY THE TOWNSHIP BOARD OF ZONING APPEALS AFTER A PUBLIC HEARING**

11.2.1 Processing facilities for the storage or dressing for sale as wholesale or retail of poultry, meat or game or a meat packing, curing or dressing establishment;

11.2.2 Chemical plants not emitting corrosive or toxic fumes beyond the limits of the premises, including any plant the main operation of which is concerned with the processing or synthesizing of chemical compounds or derivatives, volatile in nature; and,

11.2.3 Any industrial manufacturing, storage or distribution establishment not specifically mentioned above and deemed acceptable by the Board of Zoning Appeals.

#### 11.3 **ACCESSORY USES IN THE I-2 DISTRICT**

Accessory uses and structures customarily accessory and incidental to any of the foregoing permitted uses in the I-2 District.

#### 11.4 **REQUIRED LOT AREA AND FRONTAGE WITHIN THE I-2 DISTRICT**

See "Official Schedule of District Regulations" Section 12.3.

#### 11.5 **BUILDING HEIGHT REGULATIONS WITHIN THE I-2 DISTRICT**

See "Official Schedule of District Regulations" Section 12.3.

**11.6 REQUIRED YARD REGULATIONS WITHIN THE I-2 DISTRICT**

See "Official Schedule of District Regulations" Section 12.3.

**11.7 REQUIRED SETBACK REGULATIONS WITHIN THE I-2 DISTRICT**

Any building erected in any District shall be so maintained and situated to provide that no portion thereof shall be closer to the section line (on roads centered about the section or quarter section lines) or center of the nearest road pavement than fifty-five (55) feet, except State and County Roads which shall be ninety (90) feet, except any building appurtenant to a nonconforming building shall be maintained and situated to provide that no portion thereof shall be closer to the section line (on roads centered about the section or quarter section lines) or center of the nearest road pavement than the existing nonconforming building erected before the adoption of this zoning resolution, and any dwelling shall also be maintained and situated to provide that no portion thereof shall be closer to the section line (on roads centered about the section or quarter section lines) or center of the nearest road pavement than the average setback of any existing dwellings within one hundred (100) feet of the proposed dwelling and which fronts on the same road.

See "Official Schedule of District Regulations" Section 12.3.

**11.8 LANDSCAPING AND SCREENING PROVISIONS**

For non-residential uses abutting an R-District acceptable landscaping or screening must be approved by the Board of Zoning Appeals. Such screening consisting of a wall or solid fence shall be six (6) feet in height, maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than fifteen (15) feet in width planted with evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height and not closer than five (5) feet from the abutting property line at the time of planting.

**11.9 OTHER REQUIRED CONDITIONS**

Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of cinders, gas, fumes, and refuse matter of water-carried waste, and must comply with the performance standards of this Resolution.

## ARTICLE 12

### REGULATIONS FOR SPECIFIC OVERLAY DISTRICTS, ACTIVITIES, USES AND STRUCTURES

#### 12.0 PURPOSE

It is the purpose of the regulations contained within Article 12 to promote the public health, safety, and welfare and to establish regulations affecting uses and practices which, were they to be established and maintained without any guidance or restriction or control, would tend to result in dangerous situations threatening the safety of citizens, to contribute to circumstances undermining the morals of the youth of the community, or to generate conflicts in uses or practices upsetting the harmony of the community and impinging upon the property rights of others.

#### 12.1 FLOODPLAIN DISTRICT REGULATIONS

Sections 12.1 through 12.1.3 inclusive shall apply to the development of flood prone areas as defined herein.

12.1.1 The purpose of the Floodplain District Regulations is to guide development in the flood prone areas of any water course that are consistent with the requirements for the conveyance of flood flows and to minimize the expense and inconvenience to the individual property owners and the general public as a result of flooding. Permitted uses within the Floodplain Districts are generally associated with open space, recreational, and agricultural land uses that will not hinder the movement of floodwaters.

12.1.2 The Floodplain Districts are areas of special flood hazard which have been identified by the Federal Emergency Management Agency (FEMA) after scientific engineering analysis. Such studies are documented in a report entitled Flood Insurance Study of Allen County, Ohio, Unincorporated Areas. FEMA mapped flood hazard areas in Flood Insurance Rate Maps 390758-0108B, -0109B, -0120B, -0138B, and -0175B effective date November 15, 1989. The aforementioned study and maps, and any revisions thereto, is hereby adopted by reference and declared to be part of this Resolution.

12.1.3 No structure, use, activity or land shall hereafter be located, erected, constructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of this Resolution.

12.1.4 Uses Permitted in the Floodplain (FP) District:

- a. Any agricultural use; and,
- b. Any public or private noncommercial recreation facility including fishing lakes, golf courses, parks and other similar uses.

12.1.5 Conditional Uses with Approval by the Board of Zoning Appeals after a Public Hearing:

- a. Commercial recreation, such as commercial fishing lakes;
- b. Commercial mining in accordance with all provisions of the Ohio Revised Code or in such statute as it may hereafter be amended; and,
- c. Reclamation of lands subject to flooding, provided that no filling, draining, construction of levees or other improvements intended to reduce the danger of flood or erosion shall be authorized by the Board of Zoning Appeals unless the Board of Zoning Appeals finds that such reclamation work is in compliance with the objectives of the Comprehensive Plan and that any such work is approved and completed under the supervision of a competent, professional civil engineer.

12.1.6 No Zoning Permit will be issued by the Township Zoning Inspector for a parcel that appears to be located in an area of special flood hazard prior to the review, completion and subsequent issuance of a Floodplain Development Permit as approved by the Lima-Allen County Regional Planning Commission, the agency delegated to administer the Allen County Floodplain Management Regulations.

## **12.2 REGULATION OF MANUFACTURED HOME PARKS**

The provisions of Sections 12.2.1 through 12.2.6 inclusive provide for the location and regulation of Manufactured Home Parks as herein described.

12.2.1 The purpose of regulating Manufactured Home Parks is to foster their development and maintenance as an integral and stable part of the community.

12.2.2 The following definitions shall apply in the interpretation of this Resolution:

"Manufactured Home Park" means any tract of land upon which two (2) or more manufactured homes used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park. A tract of land which is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots is not a manufactured home park even though two (2) or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority. "Manufactured Home Park" does not include any tract of land used solely for the storage or display for sale of manufactured homes; and,

"Manufactured Home" means any nonself-propelled vehicle transportable in one (1) or more sections which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

12.2.3 Approval Procedures:

Manufactured Home Parks shall be located only in the Manufactured Home Park District (MHP) and shall be developed according to the standards and regulations stated and referenced in Sections 12.2.3 through 12.2.6 inclusive. The procedure to amend the Official Zoning Map to establish the MHP District shall be that procedure for amendments specified in Article 19.

12.2.4 General Standards for Manufactured Home Parks:

The Zoning Commission and the Board of Trustees shall review the particular facts and circumstances of each proposed Manufactured Home Park development in terms of the following standards and shall find adequate evidence that such development meets these standards:

- a. The proposed park will be served adequately by essential public facilities and services such as highways, streets, drainage, refuse disposal, schools, police and fire protection, or that the persons or agencies proposing the establishment of the park shall be able to provide any such services adequately;
- b. The vehicular approaches to the proposed park property will be so designed as not to create traffic interference or congestion on surrounding public streets or roads;
- c. The establishment of the proposed park will not result in the damage, destruction, or loss of any natural, scenic, or historic features of major importance; and,
- d. The establishment of the proposed park shall not be demonstrably detrimental to the value of surrounding properties or to the character of the adjacent neighborhoods.

12.2.5 Specific Standards for Manufactured Home Parks:

In a manufactured home park, no building or premises shall be used and no building shall be erected or designed to be used for other than the following uses and shall conform to the following requirements:

- a. Shall contain a minimum of twenty (20) acres;
- b. Shall provide a clearly defined minimum lot size of six thousand two hundred (6,200) square feet;
- c. A safe, usable recreation area shall be conveniently located in each manufactured home park and shall not be less than ten percent (10%) of the gross area of the park;

- d. Where said manufactured home park abuts a residential district, said abutting area shall include landscaped screening as defined by Section 13.18;
- e. Shall provide a minimum of one thousand fifty (1,050) square footage;
- f. Skirting shall be present on the bottom of the trailer to the ground level with the tongue removed; and,
- g. Shall not have greater than one (1) model in said park for sales purposes.

12.2.6 Additional Manufactured Home Park Requirements

In addition to aforementioned standards, all Manufactured Home Parks must comply with the minimum requirements of Ohio Administrative Code, Chapter 3701 promulgated by the Ohio Public Health Council in accordance with Chapter 3733 of the Ohio Revised Code or in such statute as it may hereafter be amended.

**12.3 COMPLIANCE WITH THE OFFICIAL SCHEDULE OF DISTRICT REGULATIONS**

The regulations for each district set forth by this Resolution shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereafter provided:

- 12.3.1 No building, structure or land shall be used or occupied, and no building or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
- 12.3.2 No building or other structure shall be erected or altered to:
  - a. Provide for greater height or bulk;
  - b. Accommodate or house a greater number of families than which the structure was originally designed/constructed;
  - c. Occupy a greater percentage of lot area; or,
  - d. Have narrower or smaller rear yards, front yards, side yards, or other open spaces or in any other manner contrary to the provisions of this Resolution than herein required.
- 12.3.3 No yard or lot existing at the time of the passage of this Resolution shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Resolution shall meet at least the minimum requirements set forth herein.
- 12.3.5 District regulations shall be as set forth in the Official Schedule of District Regulations hereby adopted and declared to be part of this Resolution.



**OFFICIAL SCHEDULE OF DISTRICT REGULATIONS  
WITH PRIVATE SEWAGE SYSTEM**

Zoning District	Minimum Zoning Lot Size Per Unit		Maximum Height of Structure in Feet	Minimum Yard Setback (Per Lot in Feet)			Minimum Floor Area Per Unit (sq. ft.)
	(1) Area in Sq. Ft.	Frontage Width in Feet		Front	Side Least One	Total of Two	
<b>Agricultural District:</b> Single Family Single Family	108,900	125	35	90	40	100	1,300
	108,900	125	35	90	40	100	1,600
<b>R-1 Residential District:</b> Single Family Single Family	108,900	100	35	90	15	30	1,300
	108,900	100	35	90	15	30	1,600
<b>R-2 Residential District:</b> Single Family Single Family	108,900	100	35	90	15	30	1,300
	108,900	100	35	90	15	30	1,600
Multi-Family (2 units) Multi-Family (2 units)	108,900(j)	100	35	90	15	30	1,000
	108,900(J)	100	35	90	15	30	1,300

**Legend:**

- 1 - minimum lot area requirements exclude access strips in flag lot situations
- a - 55 feet from the center of the road pavement of a township road
- b - 90 feet from the center of the road pavement of a county road
- c - 90 feet from the center of the road pavement of a state road
- d - where a lot line abuts an alley, one-half of the width of such alley may be considered in meeting the rear yard requirements
- e - no minimum side yard required, except lots adjoining a residential district shall provide a side yard on that adjoining side equal to that required in the adjoining residential district
- f - except 40 feet where abutting a residential district
- g - except 50 feet where abutting a residential district
- h - except 55 feet where abutting a residential district
- i - 25 feet except where a side yard abuts a residential district in which case a side yard of 50 feet shall be provided
- j - development must meet approval of local and state agencies prior to submission to township government

**OFFICIAL SCHEDULE OF DISTRICT REGULATIONS  
WITH PRIVATE SEWAGE SYSTEM**

(Continued)

Zoning District	Minimum Zoning Lot Size Per Unit		Maximum Height of Structure in Feet	Minimum Yard Setback (Per Lot in Feet)			Minimum Floor Area Per Unit (Sq. Feet)
	(1) Area in Sq. Ft.	Frontage Width in Feet		Front	Side Least One	Total of Two	
<b>R-3 Residential District:</b> Single Family Single Family	1 to 1½ Levels	100	35	90	15	30	1,000
	2 to 2½ Levels	100	35	90	15	30	1,300
	Multi-Family (2 units)	100	35	90	15	30	1,000
Multi-Family (2 units)	100	35	35	90	15	30	1,300
Multi-Family (3+units)	100	35	35	90	--	--	800
Multi-Family (3+units)	100	35	35	90	--	--	800
Multi-Family (3+units)	100	45	45	90	--	--	800

**Legend:**

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- f - except 40 feet where abutting a residential district
- g - except 50 feet where abutting a residential district
- h - except 55 feet where abutting a residential district
- i - 25 feet except where a side yard abuts a residential district in which case a side yard of 50 feet shall be provided
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**OFFICIAL SCHEDULE OF DISTRICT REGULATIONS  
WITH PRIVATE SEWAGE SYSTEM**

(Continued)

Zoning District	Minimum Zoning Lot Size Per Unit		Maximum Height of Structure in Feet	Minimum Yard Setback (Per Lot in Feet)			Minimum Floor Area Per Unit (Sq. Feet)
	(1) Area in Sq. Ft.	Frontage Width in Feet		Front	Side Least One	Total of Two	
<b>B-1 Business District:</b> Commercial	20,000	100	45	90	15(h)	--	25(g)
<b>B-2 General Business District:</b> Commercial	20,000	100	50	90	15(h)	--	30(f)

**Legend:**

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- h - except 55 feet where abutting a residential district
- i - 25 feet except where a side yard abuts a residential district in which case a side yard of 50 feet shall be provided
- j - development must meet approval of local and state agencies prior to submission to township government

**OFFICIAL SCHEDULE OF DISTRICT REGULATIONS  
WITH PRIVATE SEWAGE SYSTEM**

(Continued)

Zoning District	Minimum Zoning Lot Size Per Unit		Maximum Height of Structure in Feet	Minimum Yard Setback (Per Lot in Feet)			Minimum Floor Area Per Unit (Sq. Feet)
	(1) Area in Sq. Ft.	Frontage Width in Feet		Front	Side Least One	Total of Two	
<b>I-1 Industrial District:</b> Commercial Manufacturing	43,560	100	--	90	(i)	--	---
	43,560	100	--	90	(i)	--	---
<b>I-2 Industrial District</b> Commercial Manufacturing	43,560	100	--	90	(i)	--	---
	43,560	100	--	90	(i)	--	---
<b>MHP - Manufactured Home Park District</b>	871,200	55	35	90	(e)	--	1,050
<b>Floodplain District</b>	(j)	--	--	90	--	--	---

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- c - 90 feet from the center of the road pavement of a state road
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- e - no minimum side yard required, except lots adjoining a residential district shall provide a side yard on that adjoining side equal to that required in the adjoining residential district
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- g - except 50 feet where abutting a residential district
- h - except 55 feet where abutting a residential district
- i - 25 feet except where a side yard abuts a residential district in which case a side yard of 50 feet shall be provided
- j - development must meet approval of local and state agencies prior to submission to township government

**OFFICIAL SCHEDULE OF DISTRICT REGULATIONS  
WITH CENTRAL/PUBLIC SEWAGE SYSTEM**

Zoning District	Minimum Zoning Lot Size		Maximum Height of Structure in Feet	Minimum Yard Setback (Per Lot in Feet)			Minimum Floor Area per Unit (Sq. Feet)
	(1) Area in Sq. Ft.	Frontage Width in Feet		Front	Side Least One	Total of Two	
<b>Agricultural District:</b> Single Family Single Family	108,900 108,900	125 125	35 35	(a,b,c) (a,b,c)	40 40	100 100	1,300 1,600
<b>R-1 Residential District:</b> Single Family Single Family	9,600 9,600	80 80	35 35	(a,b,c) (a,b,c)	10 10	20 20	1,200 1,500
<b>R-1A Residential District:</b> Single Family Single Family	7,200 7,200	65 65	35 35	(a,b,c) (a,b,c)	10 10	20 20	1,000 1,200
<b>R-2 Residential District:</b> Single Family Single Family Multi-Family (2 units) Multi-Family (2 units)	9,600 9,600 9,600 9,600	80 80 80 80	35 35 35 35	(a,b,c) (a,b,c) (a,b,c) (a,b,c)	15 15 15 15	30 30 30 30	1,200 1,500 1,000 1,300

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- f - except 40 feet where abutting a residential district
- g - except 50 feet where abutting a residential district
- h - except 55 feet where abutting a residential district
- i - 25 feet except where a side yard abuts a residential district in which case a side yard of 50 feet shall be provided
- j - development must meet approval of local and state agencies prior to submission to township government

**OFFICIAL SCHEDULE OF DISTRICT REGULATIONS  
WITH CENTRAL/PUBLIC SEWAGE SYSTEM**

(Continued)

Zoning District	Minimum Zoning Lot Size Per Unit		Maximum Height of Structure in Feet	Minimum Yard Setback (Per Lot in Feet)			Minimum Floor Area Per Unit (Sq. Feet)
	(1) Area in Sq. Ft.	Frontage Width in Feet		Front	Side Least One	Total of Two	
<b>R-3 Residential District:</b> Single Family Single Family	1 to 1½ Levels	80	35	(a,b,c)	15	30	1,200
	2 to 2½ Levels	80	35	(a,b,c)	15	30	1,500
	Multi-Family (2 units) Multi-Family (2 units)	100 100	35 35	(a,b,c) (a,b,c)	15 15	30 30	1,000 1,300
Multi-Family (3+ units) Multi-Family (3+ units) Multi-Family (3+ units)	100 100 100	35 35 45	(a,b,c) (a,b,c) (a,b,c)	15 15 15	30 30 30	720 720 720	

**Legend:**

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- a - 55 feet from the center of the road pavement of a township road
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- f - except 40 feet where abutting a residential district
- g - except 50 feet where abutting a residential district
- h - except 55 feet where abutting a residential district
- i - 25 feet except where a side yard abuts a residential district in which case a side yard of 50 feet shall be provided
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**OFFICIAL SCHEDULE OF DISTRICT REGULATIONS  
WITH CENTRAL/PUBLIC SEWAGE SYSTEM**

(Continued)

Zoning District	Minimum Zoning Lot Size Per Unit		Maximum Height of Structure in Feet	Minimum Yard Setback (Per Lot in Feet)			Minimum Floor Area Per Unit (Sq. Feet)
	(1) Area in Sq. Ft.	Frontage Width in Feet		Front	Side Least One	Total of Two	
<b>B-1 Business District:</b>							
Commercial	9,600	--	45	90	(e)	--	25(g)
<b>B-2 General Business District:</b>							
Commercial	9,600	----	50	90	(e)	--	(d)

**Legend:**

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**OFFICIAL SCHEDULE OF DISTRICT REGULATIONS  
WITH CENTRAL/PUBLIC SEWAGE SYSTEM**

(Continued)

Zoning District	Minimum Zoning Lot Size Per Unit		Maximum Height of Structure in Feet	Minimum Yard Setback (Per Lot in Feet)			Minimum Floor Area Per Unit (Sq. Feet)
	(1) Area in Sq. Ft.	Frontage Width in Feet		Front	Side Least One	Total of Two	
<b>I-1 Industrial District:</b> Commercial Manufacturing	9,600	--	--	90	(e)	--	25(d,f)
	9,600	--	--	90	(e)	--	25(d,f)
<b>I-2 Industrial District:</b> Commercial Manufacturing	20,000	--	--	90	(e)	--	25(d,f)
	20,000	--	--	90	(e)	--	25(d,g)
<b>MHP - Manufactured Home Park District:</b>	871,200	100	35	90	(e)	--	(d,h)
<b>Floodplain District:</b>	(j)	--	--	--	--	--	--

**Legend:**

- 1 - minimum lot area requirements exclude access strips in flag lot situations
- a - 55 feet from the center of the road pavement of a township road
- b - 90 feet from the center of the road pavement of a county road
- c - 90 feet from the center of the road pavement of a state road
- d - where a lot line abuts an alley, one-half of the width of such alley may be considered in meeting the rear yard requirements
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- h - except 55 feet where abutting a residential district
- i - 25 feet except where a side yard abuts a residential district in which case a side yard of 50 feet shall be provided
- j - development must meet approval of local and state agencies prior to submission to township government



## 12.4 REGULATION OF AMUSEMENT ARCADES

The following regulations shall apply to amusement arcades as herein defined:

12.4.1 The purpose of Sections 12.4.1 through 12.4.9 inclusive of this Resolution is to promote the public health, safety and welfare by regulating amusement arcades where mechanically or electronically operated amusement devices are kept, operated, or maintained. It is further the intent of these sections to coordinate the provisions of this Resolution with other local requirements governing the licensing and regulation of mechanical amusement devices in such a manner that, in the event of any conflict between the respective regulations, the more restrictive requirement or the more severe penalty shall prevail.

12.4.2 The following definitions shall apply in the interpretation of this Resolution:

"Amusement Arcade" means a place of business within a building or any part of a building having more than five (5) mechanical or electronically operated amusement devices which are used for the purpose of public entertainment through the operation, use, or play of any table game or device commonly known as an electronic game which is operated by placing therein any coin, plate, disc, slug, key, or token of value by payment of a fee;

"Mechanical or Electronically Operated Amusement Device" means any machine, device or instrument which, by the payment of a fee or other things of value, or by the insertion of a coin, plate, disc, slug, key or token, operates or may be operated as a game, contest or amusement, and which contains no automatic pay-off device for the return of money, coins, tokens, or merchandise or check redeemable in money or anything of value. Mechanical or electronically operated amusement device includes, but is not limited to, devices such as mechanical baseball, mechanical football, pinball machines, any table game or device commonly known as an electronic game, and other similar types of devices; provided, however, that this definition is not intended to, nor shall it be construed to, include merchandise vending machines or coin operated mechanical or electrical musical instruments or devices; and,

"Exhibitor" means any person owning and exhibiting or contracting or permitting any mechanical or electrically operated amusement device to be installed, used and exhibited in such person's own place of business, irrespective of the ownership of such device.

12.4.3 Conditional Use Permit Required:

No amusement arcade shall be established, operated or maintained in any place of business or on any premises unless authorized by the issuance of a conditional use permit in accordance with the provisions of Article 17 of this Resolution. In addition to said provisions, amusement arcades shall comply with the following conditional use criteria:

- a. Amusement arcades shall comply with the district regulations applicable to all properties in any zoning district in which they are located;

- b. Amusement arcades shall have an adult who is eighteen (18) years of age or older on the premises supervising the amusement arcade at all times during its hours of operation;
- c. The interior of the amusement arcades shall provide a minimum area per coin-operated amusement device equal to the size of the device plus two (2) feet of area on each side plus an area of four (4) feet in front of the device;
- d. Prior to the issuance of a conditional use permit, the applicant shall provide evidence that the structure meets the minimum requirements of the appropriate electrical and fire codes;
- e. If the place of business or premises for which an amusement arcade is proposed is a freestanding building, the application for the conditional use permit shall include an approvable exterior lighting plan;
- f. No amusement arcade may be established, operated or maintained in any place of business or on any premises which is within one thousand five hundred (1,500) feet of any adult entertainment business; and,
- g. The application for the conditional use permit shall be accompanied by a copy of the applicant's license to operate and exhibit amusement devices and a notarized statement that the applicant shall not permit any person eighteen (18) years of age or younger to operate any devices on the premises before 4:00 p.m. on days when school is in session.

12.4.4 Zoning of Amusement Arcades:

Amusement arcades shall be conditionally permitted uses only in the following districts:

- a. B-1 Business District;
- b. B-2 Business District;
- c. I-1 Industrial District; and,
- d. I-2 Industrial District.

12.4.5 Maintenance of a Nuisance Prohibited:

It shall be the obligation of the exhibitor of an amusement arcade to maintain peace and quiet and order in and about the premises. Failure to do so shall constitute a nuisance, which shall be a minor misdemeanor.

12.4.6 Restricted Access to Certain Minors

No amusement arcade exhibitor shall permit, on days when school is in session, any person eighteen (18) years of age or younger to operate any mechanical or electrically operated amusement device or to be or remain in an amusement arcade before 4:00 p.m. This provision does not apply to juke boxes, mechanical musical instruments, or other mechanical amusement

devices designed to be used or ridden by pre-school children under adult supervision, such as mechanical horses, automobiles, and carrouseles. Violation of this provision shall be a minor misdemeanor.

## **12.5 REGULATION OF ADULT ENTERTAINMENT BUSINESS**

The following regulations shall apply to adult entertainment business as herein defined:

12.5.1 The purpose of Sections 12.5.1 through 12.5.4 inclusive of this Resolution is to promote the public health, safety and welfare through the regulation of adult entertainment businesses. It is the intent of these sections to regulate entertainment businesses, as defined herein, in such a manner as to prevent the erosion of the character of the surrounding neighborhoods and to prohibit the establishment of such businesses within close proximity to existing churches, amusement arcades, parks and playgrounds within the township.

12.5.2 The following definitions shall apply in the interpretation of this Article:

"Adult Entertainment Business" means an adult bookstore, adult motion picture theater, adult drive-in motion picture theater, or an adult only entertainment establishment as further defined in this section;

"Adult Book Store" means an establishment which utilizes fifteen percent (15%) or more of its retail selling area for the purpose of retail sale or rental; or for the purpose of display by coin or slug-operated, or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices, or both; and, books, magazines, other periodicals, films, tapes and cassettes which are distinguished by their emphasis on adult materials as defined in this section;

"Adult Motion Picture Theater" means an enclosed motion picture theater which is regularly used or utilizes fifteen percent (15%) or more of its total viewing time for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult material as defined in this section;

"Adult Motion Picture Drive-In Theater" means an open air drive-in theater which is regularly used or utilizes fifteen percent (15%) or more of its total viewing time for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult material as defined in this section;

"Adult Only Entertainment Establishment" means an establishment where the patron directly or indirectly is charged a fee where the establishment features entertainment or services which constitute adult material as defined in this section, or which features exhibitions, dance routines, or gyrational choreography of persons totally nude, topless, bottomless, or strippers, male or female impersonators or similar entertainment or services which constitute adult material;

"Adult Material" means any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, motion picture

film, phonographic record or tape, other tangible thing, or any service capable of arousing interest through sight, sound, or touch; and,

- a. Which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination; or,
- b. Which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination.

"Bottomless" means less than full opaque covering of male or female genitals, pubic area or buttocks;

"Nude or Nudity" means the showing, representation, or depiction of human male or female genitals pubic area, or buttocks with less than full opaque covering of any portion thereof, or female breast(s) with less than a full opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernable turgid state;

"Topless" means the showing of a female breast with less than a full opaque covering of any portion thereof below the top of the nipple;

"Sexual Activity" means sexual conduct or sexual contact, or both;

"Sexual Contact" means any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person; and,

"Sexual Excitement" means the condition of the human male or female genitals when in a state of sexual stimulation or arousal.

#### 12.5.3 Conditional Use Permit Required:

No building shall be erected, constructed, or developed, and no buildings or premises shall be reconstructed, remodeled, arranged for use or used for any adult entertainment business unless authorized by the issuance of a conditional use permit in accordance with the provisions of Article 17 of this Resolution. In addition to said provisions, an adult entertainment business shall comply with the following conditional use criteria:

- a. Adult entertainment business shall comply with the district regulations applicable to all properties in any district in which they are located;
- b. No adult entertainment business shall be permitted in a location which is within two thousand five hundred (2,500) feet of another adult entertainment business;
- c. No adult entertainment business shall be permitted in a location which is within two thousand five hundred (2,500) feet of any church, any public or

private school, any park, any playground, or any social service facility or neighborhood center;

- d. No adult entertainment business shall be permitted in a location which is within two thousand five hundred (2,500) feet of any residence or boundary of any residential district; and,
- e. No adult entertainment business shall be permitted in a location which is within two thousand five hundred (2,500) feet of any boundary of any residential district in a local unit of government abutting the township.

12.5.4 Zoning of Adult Entertainment Business:

Adult entertainment businesses shall be conditionally permitted in accordance with the following schedule:

<u>Conditionally Permitted Use</u>	<u>Districts Wherein Permitted</u>	
Adult Book Store	B-2 I-1	Business District, Industrial District
Adult Motion Picture Theater	B-2 I-1	Business District Industrial District
Adult Motion Picture Drive-In Theater	B-2 I-1	Business District Industrial District
Adults Only Entertainment Establishment	B-2 I-1	Business District Industrial District

**12.6 REGULATION OF MASSAGE ESTABLISHMENTS**

The following regulations shall apply to massage establishments as herein defined:

12.6.1 The purpose of Sections 12.6.1 through 12.6.4 inclusive of this Resolution is to promote the public health, safety, and welfare through the regulation of massage establishments. It is the intent of these sections to regulate massage establishments as defined herein in such a manner as to prevent the erosion of the character of the surrounding neighborhoods and to prohibit the establishment of such businesses within close proximity to existing churches, amusement arcades, parks and playgrounds within the Township.

12.6.2 The following definitions shall apply in the interpretation of this Article:

"Massage" means any method of exerting pressure on, stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating the external soft tissue of the body with the hands or with the aid of any mechanical or electrical apparatus or appliance;

"Massage establishment" means any fixed place of business where a person offers massages in exchange for anything of value, or in connection with the provision of another legitimate service;

"Masseur" or "Masseuse" means any certified individual who performs massages at a massage establishment;

"Out-call massage service" means any business, the function of which is to engage in or carry on massages at a location designated by the customer or client rather than at a massage establishment;

"Employee" means any and all persons other than the massage technician who render any service to the operator and who receives compensation directly from the operator;

"Person" means any individual, co-partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character;

"Operator" means the person in whose name the permit is issued for a massage establishment; and,

"Sexual or genital area" means the genitals, pubic area, buttocks, anus or perineum of any person, or the vulva or breasts of a female.

#### 12.6.3 Exemptions:

This Article, as the regulation of massage establishments, masseurs and masseuses, shall not be construed to regulate the practice of any limited branch of medicine or surgery in accordance with Sections 4731.15 and 4721.16 of the Ohio Revised Code or in such statute as it may hereafter be amended or the practice of providing therapeutic massage by a licensed physician, licensed chiropractor, a licensed podiatrist, or a licensed nurse. As used in this section, "licensed" means licensed, certified, or registered to practice in the State of Ohio.

#### 12.6.4 Application for Conditional Use Permit: Contents, Fee, Expiration of Permit:

The application for a conditional use permit to operate a massage establishment shall be made to the Board of Zoning Appeals and shall include the following:

- a. An initial, non-refundable filing fee as established by the Township Trustees;
- b. A health and safety report of an inspection of the premises performed within thirty (30) days of the application to determine compliance with applicable health and safety codes, which inspection shall be performed by appropriate state or local authorities acting pursuant to an agreement with the Board of Zoning Appeals;
- c. The full name and address of any person applying for a permit, including any partner or limited partner of a partnership applicant, or any officer or director of a corporate applicant and any stock holder holding more than two percent (2%), and the social security number of each individual, and the federal identification number of any partnership or corporation;

- d. Authorization for an investigation into the criminal record of any person applying for a permit; and,
- e. Any other information determined by the Board of Zoning Appeals to be necessary.

12.6.5 Conditional Use Permit Required:

No building shall be erected, constructed, or developed, and no buildings or premises shall be reconstructed, remodeled, arranged for use or used for any massage establishment unless authorized by the issuance of a conditional use permit in accordance with the provisions of Article 17 of this Resolution. In addition to said provisions, a massage establishment shall comply with the following conditional use criteria:

- a. Massage establishments shall comply with the district regulations applicable to all properties in any district in which they are located;
- b. No massage establishment shall be permitted in a location which is within two thousand five hundred (2,500) feet of another massage establishment;
- c. No massage establishment shall be permitted in a location which is within two thousand five hundred (2,500) feet of any church, any public or private school, any park, any playground, or any social service facility or neighborhood center;
- d. No massage establishment shall be permitted in a location which is within two thousand five hundred (2,500) feet of any residence or boundary of any residential district; and,
- e. No massage establishment shall be permitted in a location which is within two thousand five hundred (2,500) feet of any boundary of any residential district in a local unit of government abutting the township.

12.6.6 Zoning of Massage Establishment:

Massage establishment shall be conditionally permitted in accordance with the following schedule:

<u>Conditionally Permitted Use</u>	<u>Districts Wherein Permitted</u>
Massage Establishment	B-2 Business District, I-1 Industrial District I-2 Industrial District

**12.7 REGULATION OF CUSTOMARY HOME OCCUPATIONS**

Sections 12.7.1 through 12.7.5 inclusive shall apply to the location, operation, and maintenance of home occupations.

12.7.1 It is the purpose of Sections 12.7.1 through 12.7.5 inclusive of this Resolution to promote the public health, safety and welfare through the regulation of home occupations. It is further the intent of these sections to allow limited non-residential uses in residential structures which are compatible with the residential character of their surroundings.

12.7.2 The definition of "Home Occupation" means an accessory use which is an activity, profession, occupation, service, craft, or revenue-enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling, and is conducted entirely within the dwelling unit without any significant adverse effect upon the surrounding neighborhood. Activities such as teaching, tutoring, tax consulting services and the like shall involve not more than three (3) receivers of such services at any one time, with the exception of certified or uncertified Type B Family Day-Care Homes, which constitute a residential use and not an accessory use.

12.7.3 Home Occupation as a Permitted Use:

A home occupation shall be a permitted use if it complies with the following requirements:

- a. The external appearance of the structure in which the use is conducted shall not be altered, and not more than one (1) sign no larger than two (2) square feet shall be mounted flush to a wall of the structure;
- b. No internal or external alterations, construction, or reconstruction of the premises to accommodate the use shall be permitted;
- c. There shall be no outside storage of any kind related to the use, only commodities produced on the premises may be sold on the premises, and no display of products shall be visible from the street;
- d. Not more than twenty-five percent (25%) of the gross floor area of the dwelling shall be devoted to the use;
- e. No equipment, process, materials or chemicals shall be used which create offensive noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances;
- f. No additional parking demand shall be created; and,
- g. No person who is not a resident of the premises may participate in the home occupation as an employee or volunteer.

## **12.8 REGULATION OF COMPOSTING ACTIVITIES**

Composting refers to activities undertaken to promote the biological decomposition of organic matter. Such organic matter is restricted to grass clippings, wood chippings, fruit and vegetable scraps, garden plants, weeds, leaves or other botanical waste.

There shall be no limitation of composting activities in agricultural districts.



- 12.8.1 Under no conditions, in Residential Districts, shall meat or dairy products or offensive animal or fowl waste be incorporated into such pursuits as they may emit odors and/or attract insects, rodents and other pests.
- 12.8.2 Under no conditions, in Residential Districts, shall the size of a compost pile exceed two hundred fifty-six (256) cubic feet or be more than four (4) feet in height. The site of the activity shall be provided with good drainage, restricted to rear yards and located at least four (4) feet from all adjacent property lines. Structures or bins used to contain such activities do not require a zoning permit.

**12.9 REGULATION OF ACTIVITIES ASSOCIATED WITH THE EXTRACTION OF NATURAL RESOURCES**

- 12.9.1 General Requirements: Any owner, lessee or other person, firm or corporation having an interest in mineral lands in any District may file with the Board of Zoning Appeals an application for authorization to mine minerals therefrom, provided however, that said owner shall comply with all requirements of the District in which said property is located and with the following additional requirements:
- a. Distance from Property Lines: No quarrying operation shall be carried on or any stock pile placed closer than fifty (50) feet to any property line unless a greater distance is deemed necessary for the protection of adjacent property, provided that this distance requirement may be reduced to twenty-five (25) feet by written consent of the owner or owners of the abutting property;
  - b. Distance from Public Right-of-Way: In the event that the site of the mining or quarrying operations is adjacent to the right-of-way of any public street or road, no part of such operation shall take place closer than fifty (50) feet to the nearest line of such right-of-way;
  - c. Fencing: Fencing shall be erected and maintained around the entire site or portions thereof where in the opinion of the Board of Zoning Appeals such fencing is necessary for the protection of the public safety, and shall be of a type specified by the Board of Zoning Appeals;
  - d. Equipment: All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise, and vibration. Access roads shall be maintained in dust-free condition by surfacing or other treatment; and,
  - e. Processing: The crushing, washing and refining or other similar processing may be authorized by the Board of Zoning Appeals as an accessory use, provided that such accessory processing shall not be in conflict with the use regulations of the District in which the operation is located.
- 12.9.2 Applicant - Financial Ability: In accepting such plan for review, the Commission must be satisfied that the proponents are financially able to carry out the proposed mining operation in accordance with the plans and specifications submitted.

- 12.9.3 Application - Contents, Procedure: An application for such operation shall set forth the following information:
- a. Name of the owner or owners of land from which removal is to be made;
  - b. Name of applicant making request for such permit;
  - c. Name of the person or corporation conducting the actual removal operation;
  - d. Location, description and size of the area from which removal is to be made;
  - e. Location of processing plant used;
  - f. Type of resources or materials to be removed;
  - g. Proposed method of removal and whether or not blasting or other use of explosives will be required;
  - h. Description of equipment to be used; and,
  - i. Method of rehabilitation and reclamation of the mined area.
- 12.9.4 Public Hearing: Upon receipt of such application, the Commission shall set the matter for a public hearing following the procedures as shown in Article 17.
- 12.9.5 Rehabilitation: To guarantee the restoration, rehabilitation, and reclamation of mine-out area, every applicant granted a mining permit as herein provided shall furnish a performance bond running to the Township in an amount of not less than \$1,000 and not more than \$10,000 as a guarantee that such applicant, in restoring, reclaiming and rehabilitating such land, shall within a reasonable time and to the satisfaction of the Commission meet the following minimum requirements:
- a. Surface Rehabilitation: All excavation shall be made either to a water producing depth, such depth to be not less than five (5) feet below the low water mark, or shall be graded or backfilled with non-noxious, nonflammable and noncombustional solids, or secure:
    - (1) That the excavated area shall not collect and permit to remain therein stagnant water; or,
    - (2) That the surface of such area which is not permanently sub-merged is graded or backfilled as necessary so as to reduce the peaks and depressions thereof so as to produce a gently running surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area.
  - b. Vegetation: Vegetation shall be restored by appropriate seeds of grasses or planting of shrubs or trees in all parts of said mining area where such area is not to be submerged under water as hereinabove provided; and,

- c. Banks of Excavations not Backfilled: The banks of all excavations not backfilled shall be sloped to the waterline at a slope not less than three (3) feet horizontal to one (1) foot vertical, and said bank shall be seeded.
- 12.9.6 Additional Requirements: In addition to the foregoing, the Commission may impose such other conditions, requirements or limitations concerning the nature, extent of the use and operation of such mines, quarries or gravel pits as the Commission may deem necessary for the protection of adjacent properties and the public interest. The said conditions and the amount of the performance bond shall be determined by the Commission prior to issuance of the permit.
- 12.9.7 Compliance with all applicable laws of the State of Ohio.
- 12.9.8 Gas and Oil Wells: In any and all districts of the Township, a well may be drilled for the exploration for or production of natural oil or gas only after or when the following conditions have been complied with:
- a. Compliance with all applicable laws of the State of Ohio; and,
  - b. No tanks or reservoirs erected or intended for the storage of petroleum products shall be located within fifty (50) feet of any public right-of-way nor within one hundred (100) feet of a residential lot line.

## **12.10 REGULATION OF SWIMMING POOLS AS ACCESSORY USES**

Sections 12.10 through 12.10.3 inclusive shall apply to the location and maintenance of swimming pools.

- 12.10.1 It is the purpose of Sections 12.10 through 12.10.3 inclusive of this Resolution to promote the public health, safety, and welfare through the regulation of swimming pool facilities which are constructed, operated or maintained as an accessory use. Such restrictions shall not apply to those structures/facilities utilized in agricultural pursuits.
- 12.10.2 Private Swimming Pools:
- No private swimming pool, exclusive of portable swimming pools with a diameter of less than twelve (12) feet or with an area of less than one hundred (100) square feet, shall be allowed in any residential district or commercial district except as an accessory use, and shall comply with the following requirements:
- a. The pool is intended to be used and is used solely for the enjoyment of the occupants of the property on which it is located and their guests;
  - b. The pool may be located anywhere on the premises except in required front yards, provided that it shall not be located closer than fifteen (15) feet to any property line; and,
  - c. The swimming pool or the entire property upon which it is located shall be walled or fenced in such a manner as to prevent uncontrolled access by children from the street and from adjacent properties. No such fence

shall be less than six (6) feet in height, and it shall be maintained in good condition with a gate and lock.

12.10.3 Community or Club Swimming Pools:

A community or club swimming pool shall be any pool constructed by an association of property owners, or by a private club or association, for use and enjoyment by members and their families. Such swimming pools shall comply with the following requirements:

- a. The pool is intended solely for and is used solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated;
- b. The pool and accessory structures thereto, including the area used by the bathers, shall not be located closer than seventy-five (75) feet to any property line or easement;
- c. The swimming pool, its accessory facilities, and all of the area used by the bathers shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties. The said fence or wall shall not be less than six (6) feet in height and maintained in good condition with a gate and lock. The area surrounding the enclosure, except for the parking spaces, shall be suitably landscaped with grass, hardy shrubs, and trees and maintained in good condition;
- d. Exterior lighting shall be so shaded or directed that it does not cast light directly upon adjacent properties; and,
- e. Such pool facilities shall not be operated prior to 9:00 a.m. in the morning or after 10:00 p.m. in the evening.

**12.11 REGULATION OF GROUP RESIDENTIAL FACILITIES**

Sections 12.11 through 12.11.6 inclusive shall apply to the location, operation, and maintenance of group residential facilities.

12.11.1 It is the purpose of Sections 12.11 through 12.11.6 inclusive of this Resolution to regulate the location, operation, and maintenance of group residential facilities in order to promote the public health, safety, and welfare. It is the intent of these sections to provide for the assimilation of these facilities in stable and suitable neighborhoods so that the living environments of their residents are conducive to their care and/or rehabilitation.

12.11.2 "Group Residential Facility" shall mean any community residential facility, licensed and/or approved and regulated by the State of Ohio, which provides rehabilitative or habilitative services. There are two (2) classes of Group Residential Facilities:

Class I: Any state, federal, or locally approved dwelling or place used as a foster home for children or adults (not including nursing homes) or as a home for the care or rehabilitation of dependent or predelinquent children, the physically handicapped or disabled, or those with development disabilities or

mental illnesses. A Class I Type A Group Residential Facility contains six (6) or more residents, exclusive of staff. A Class I Type B Group Residential Facility contains five (5) or less residents, exclusive of staff;

Class II: Any state, federal, or locally approved dwelling or place used as a home for juvenile offenders; a halfway house providing residential care or rehabilitation for adult offenders in lieu of institutional sentencing; a halfway house providing residence for persons leaving correctional institutions; and residential rehabilitation centers for alcohol and drug users, provided detoxification is expressly prohibited on such premises. A Class II Type A Group Residential Facility contains six (6) or more residents, exclusive of staff. A Class II Type B Group Residential Facility contains five (5) or less residents, exclusive of staff.

#### 12.11.3 Conditional Use Permit Required:

A Class I Type B Group Residential Facility is permitted by law in residential districts. No other group residential facility shall be established, operated or maintained on any premises unless authorized by the issuance of a conditional use permit in accordance with the provisions of Article 17 of this Resolution. In addition to said provisions, such group residential facilities shall comply with the following conditional use criteria:

- a. Evidence is presented that the proposed facility meets the certification, licensing, or approval requirements of the appropriate state agency;
- b. Evidence is presented that the proposed facility meets local fire safety requirements for the proposed use and level of occupancy;
- c. Evidence is presented that the proposed facility will not generate an increase in traffic volume or require special off-street parking;
- d. Such facilities shall comply with the district regulations applicable to other properties in the zoning district in which they are located;
- e. No such facility may be located within one thousand (1,000) feet of another such facility;
- f. No signs shall be erected by such facility for purposes of identification except a permitted street address sign;
- g. The exterior of all such facilities shall not be altered in character and shall be compatible with the aesthetics of other residential dwellings. However, any improvement required by code or necessitated by licensing requirements shall not be deemed incompatible;
- h. The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents to include a structured procedure whereby their grievances may be filed and resolved; and,

- i. The applicant shall provide documentation indicating the need for the facility, the specific clientele it will serve, and the location and type of similar facilities operated by the applicant.

12.11.4 Zoning of Group Residential Facilities:

Group residential facilities shall be conditionally permitted uses as follows:

Class I Type A	R-3 Residential District B-1 Local Business District B-2 General Business District
Class I Type B	All Residential Districts B-1 Local Business District B-2 General Business District
Class II Type A	R-3 Residential District B-1 Local Business District B-2 General Business District
Class II Type B	R-3 Residential District B-1 Local Business District B-2 General Business District

12.11.5 Variance to Distancing Requirement:

The Board of Zoning Appeals may grant a variance with respect to the distancing requirement contained in Section 12.11.3(e) if the applicant clearly demonstrated that the proposed location has unique advantages with respect to proximity to employment opportunities, social services, public transportation, or similar amenities.

12.11.6 Uniformity With Respect to Granting of Conditional Use Permits:

The granting of conditional use permits for the establishment of Group Residential Facilities shall be uniformly and equitably done, irrespective of considerations beyond the scope of these regulations.

**12.12 REGULATION OF FACTORY-BUILT HOUSING; DESIGN AND APPEARANCE STANDARDS**

12.12.1 It is the purpose of Sections 12.12.1 through 12.12.5 inclusive of this Resolution to promote the health, safety, and welfare of the community by establishing regulations governing the siting, construction, and maintenance of factory-built housing. It is further the intent of these sections to permit a wider range of housing opportunities while assuring the compatibility of a variety of housing types within certain residential districts.

12.12.2 The following definitions shall apply in the interpretation of this Resolution:

- a. **Manufactured Home:** Any nonself-propelled vehicle transportable in one (1) or more sections which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected

on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a permanent dwelling unit with a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system contained therein, and which bears a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards;

- b. Modular Home: Factory-built housing certified as meeting the State Building Code as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site-built homes;
- c. Mobile Home: A transportable, factory-built home designed to be used as a year-round residential dwelling and built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976, or built subsequent to such Act but not certifiable to compliance with it.

#### 12.12.3 Siting Requirements:

Any factory-built housing proposed to be located in any district shall comply with the following requirements:

- a. The structure shall be installed upon and properly attached to a foundation system that provides adequate support of the structure's vertical and horizontal loads and transfers these and other imposed forces, without failure, from the structure to the undisturbed ground below the frost line;
- b. All hitches, axles, wheels, and conveyance mechanisms shall be removed from the structure;
- c. The structure shall be so oriented on the site that its long axis is parallel with the street, and it shall have an entrance way facing the street, except where diagonal placement and the addition of a garage, carport, or other accessory structure may be permitted by subdivision regulation and yard requirement;
- d. The site shall be suitably landscaped with adequate screening devices as elsewhere required;
- e. The siting of the structure shall comply with all yard and setback requirements in effect for the district for which it is proposed; and,
- f. The site shall be serviced by utilities in such manner as required by this Resolution.

#### 12.12.4 Zoning Of Factory-Built Housing

Mobile homes shall be permitted only in approved mobile home parks. Manufactured homes and modular homes which meet the design and

appearance standards contained in Section 12.12.5 shall be permitted accordingly.

#### 12.12.5 Single-Family Design and Appearance Standards

Single-family residential homes (modular, manufactured, or site-built construction) shall comply with the following design and appearance standards:

- a. The structure shall be in conformance with the siting requirements contained herein; and,
- b. The structure and any accessory structures or uses will conform to all other regulations in effect for the district in which they are located.

### **12.13 FENCE AND WALL STANDARDS**

Fences or walls refer to any structure of natural or man-made materials erected in such a manner as to enclose or partially enclose any premises. Fences and walls require a zoning permit. The following standards shall apply to all fences and walls:

- 12.13.1 All fences and walls must present the finished non-structural face outward. No fence or wall may be placed within the sight visibility triangle as defined in Section 13.8 or 13.13. The fence or wall shall not be permitted to encroach upon public rights-of-way or easements. The height of a fence shall be measured from the established grade to the highest point of the fence, including posts and finials. The height of the fence may not be artificially increased by the use of mounding unless otherwise required by the zoning district regulations. Man-made, non-traditional, made from recycled materials, items or products. Railings on decks and patios shall be considered fences and be subject to the requirements of this section. The height of such railings shall be measured from the surface of the deck or patio. Fences and stockade fences are prohibited in all districts. Electrified, barbed wire, and razor wire are hereby prohibited in all zoning districts; exception shall be made to allow electrified and barbed wire fences as a permitted use in agricultural districts for purposes of animal control only. Permitted fences or walls shall be maintained in good condition, be structurally sound and completely finished and maintained at all times. Any land between such fences or walls and property lines shall be well maintained at all times by the appropriate property owner. Fences shall be designed, erected, altered, reconstructed, moved, anchored, positioned and maintained, in whole or in part, strictly in accordance with provisions of this Resolution. Outdoor storage or display areas proposed within fenced areas of a lot must comply with all other provisions of this resolution with regard to outdoor storage or display. The presence of fencing does not necessarily indicate that outdoor storage or display is permitted by this Resolution.
- 12.13.2 Fences in Agricultural Districts that are erected, placed or constructed for animal control are exempted from all fence regulations.
- 12.13.3 All fences and walls in residential districts shall conform with the following additional standards:



- 12.13.3.1 All fences shall be erected, placed or constructed at least three (3) feet from the adjacent property line to allow for proper maintenance practices.
  - 12.13.3.2 No solid fences shall be erected, placed or constructed forward of the principal permitted structure. Only open-faced fences, not exceeding four (4) feet in height, may be erected, placed or constructed forward of the principal permitted structure.
  - 12.13.3.3 No fencing shall be allowed greater than six (6) feet in rear and side yards.
  - 12.13.3.4 All portions of the property shall remain accessible from outside the fence area by means of a gate or other opening.
  - 12.13.3.5 Hedges shall be permitted in all residential zoning districts. Hedges shall not be located within the sight visibility triangle identified in Section 13.13 and Illustration A-9.
- 12.13.4 In commercial or industrial districts fences may be greater than four feet in height. All fences are restricted to the buildable area of a lot and are prohibited in the front yard. Chain link fences are limited to a maximum height of eight (8) feet above grade except as specifically stated otherwise. Chain link fences for full size tennis courts, basketball courts, baseball diamonds, softball diamonds and other similar applications are limited to ten (10) feet in height. Chain link fences are limited to the buildable area of the lot. In industrial districts only, chain link fences are permitted forward of the principal structure but shall not encroach into the minimum required front building setback. Chain link fences viewable from public right-of-way shall be screened with evergreen trees and shrubs. Brick or stone walls and solid wood fences used to screen dumpsters or service structures are permitted and may exceed the height requirements in this section consistent with the screening requirements.
- 12.13.5 Arbor and swimming pool fence standards. Arbor and swimming pool fencing standards are in addition to the general fence requirements of this Resolution. Arbors or trellises and fences surrounding swimming pools shall be permitted in the buildable area of all districts. Arbors or trellises that are detached from all buildings may encroach on a required side yard provided that the maximum height is eight (8) feet, the maximum width is five (5) feet, the maximum depth is three (3) feet; the surface of the arbor or trellis is at least fifty percent (50%) open; and the arbor does not extend forward of the building line.

**12.14 REGULATION OF PONDS, LAKES OR OTHER WATER DETENTION/RETENTION STRUCTURES**

Section 12.14 through 12.14.7 inclusive shall apply to the development of all structures which intentionally or unintentionally store, pool, retain and/or detain water as defined herein.

- 12.14.1 The purpose of these regulations is to guide the development, design, maintenance and structural integrity of ponds, lakes or other water

detention/retention structures in Perry Township. It is the purpose of these regulations to promote the public's health, safety and welfare by minimizing local nuisances, as well as potentially dangerous health and safety concerns, and to further the general harmony between and amongst neighbors.

12.14.2 No applicable structure shall hereafter be located, constructed, repaired, extended, enlarged, converted or altered without full compliance with the terms of this Resolution. Said construction, alterations or modifications require a zoning permit.

12.14.3 "Pond" shall mean a natural or artificially formed structure with an enclosed body of water more than six hundred (600) gallons.

12.14.3.1 "Detention Pond" shall mean an artificially formed structure designed to hold storm water runoff, detaining it for a period of time before ultimately slowly discharging the water downstream. Detention ponds are to be designed to complement large-scale residential, commercial and industrial developments. Detention ponds must be designed and constructed to the specifications of a licensed landscape architect and/or a professional engineer.

12.14.3.2 "Retention Pond" shall mean an artificially formed structure designed to hold water year round with the capacity to accommodate a limited amount of storm water runoff. Retention ponds are reservoirs of natural water designed to enhance aesthetic elements of large-scale residential, commercial and industrial developments. Retention ponds must be designed and constructed to the specifications of a licensed landscape architect and/or a professional engineer.

12.14.3.3 "Agricultural Ponds" shall mean a natural or artificially formed structure which serves as a reservoir of water for year round agricultural use. Agricultural ponds are to be used for agricultural based activities including aquaculture, hatcheries, hydroponics or irrigation and animal-related maintenance/production activities. Agricultural ponds may also support fire suppression due to the lack of access to municipal water services. The use of such ponds are limited and restricted to those activities supported by the owners. Agricultural ponds shall not engage in off farm commercial uses nor in any commercial recreational activities such as, but not limited to, fishing or swimming. Agricultural ponds shall not be located outside of an Agriculture District. Agricultural ponds must be located on a parcel qualified for CAUV and be situated on a parcel of at least 5 acres in size. Agricultural ponds must be designed and constructed to the specifications of the District office of the Soil and Water Conservation Service, a licensed landscape architect or a professional engineer.

12.14.3.4 "Aesthetic, Garden or Recreational Ponds" shall mean a natural or artificially formed structure which is intended to serve as a permanent reservoir of water serving aesthetic desires and/or as an activity center for year round use. Such ponds are to be

designed for year round enjoyment and to further such activities such as wildlife habitats, swimming, fishing, ice skating, etc. Such ponds shall not engage in commercial uses nor in any commercial recreational activities without the appropriate zoning permit and requisite Health Department approval. Such ponds open to the public shall be subject to the safety conditions of Section 12.10. Such ponds must be designed by the Soil and Water Conservation Service, a licensed landscape architect or a professional engineer.

- 12.14.4 Ponds shall be permitted as an accessory use in all districts, provided the plans, specifications and construction meet the demands of the respective authorized and approving bodies.
- 12.14.5 Ponds shall not be located closer than the established minimum yard setbacks of the respective zoning district as established in the official schedule of District Regulations in Article 12 of this text from any lot lines. In addition and where applicable, ponds shall not be located closer than thirty-five (35) feet from the road right-of-way located on any parcel.
  - 12.14.5.1 Ponds shall be measured from the lot line and/or road right-of-way to the perpendicular edge of the high water line. See Illustration J.
  - 12.14.5.2 Where mounding is present, ponds shall be measured from the base of the mound to the lot line and/or road right-of-way. See Illustration J. Said mounding is subject to the conditions of Section 13.19.

## **12.15 LANDSCAPING RULES & REGULATIONS**

The inclusion of certain design and landscaping themes are being regulated to respect and protect the value and character of the community. The integration of natural features, the conservation of trees, the minimization of glare, noise and signage, as well as ensuring adequate sight distance and traffic calming are all expected elements of a required landscaping plan.

- 12.15.1 Definitions: The following definitions are to be used in advancing the specific standards of Section 12.15 inclusive.

**Arterial Street:** A type of street designed to carry moderate traffic at moderate speeds with a lower level of accessibility supporting mobility between cities and larger towns as designated by the Federal Highway Administration.

**Caliper:** The diameter of the tree trunk measured at 6" above ground level.

**Collector Street:** A type of street designed to facilitate intra-county commutes and serve both accessibility and traffic circulation within residential neighborhoods, commercial and industrial areas as designated by the Federal Highway Administration.

**Damage:** Includes any intentional or negligent act that will cause perennial vegetation to decline and die within three years.

**Ground Cover:** Low plants that grow to form a continuous cover over the ground, such as English ivy or grass.

**Landscape Area:** The area seen from the street that contains grass, shrubs, flowers, ground cover, trees or native plant materials of any kind and that may include decorative fixtures or accouterments such as rock, pools and planters. The landscape shall not include artificial plants, trees or vegetation.

**Landscape Buffer:** Landscape area required to be provided adjacent to an existing single-family district in multi-family and non-residential areas. Landscape materials used to fulfill buffer requirements shall be installed to provide one hundred percent (100%) year round opacity.

**Landscape Buffer Material:** Buffer materials must be an evergreen species. Evergreen shrubs must be a minimum of two (2) feet in height at time of planting. Evergreen trees must be a minimum of six (6) feet in height. Grass or ground cover shall be planted on all portions of required landscape/buffer areas not addressed by hedges, walls or trees. Trees, evergreen shrubs and mounds must be placed no further than seven (7) feet from the landscape edge.

**Landscaped Edge:** Landscape area required to be provided adjacent to a street or highway in multi-family and non-residential areas.

**Landscaping:** Any living organic plant materials including trees, shrubs, flowers, ground cover, vegetation, vines or grass.

**Local Steet:** A type of street that serves primarily to provide direct access to abutting land and access to the higher order systems. It offers the lowest level of mobility designated by the Federal Highway Administration.

**Maintenance:** In reference to landscaping includes irrigating, pruning, mulching, mowing, spraying, fertilizing, propping, bracing, treating for disease or injury, and any other similar acts that promote the life, growth, health or beauty of the landscape vegetation. The owner(s) of the property shall be responsible for the continuous and proper maintenance of all landscaping materials and shall keep them in good order and free from refuse and debris at all times.

**Shrub:** A bushy, woody plant, usually with several permanent stems and usually not over ten feet high at its maturity.

**Tree:** Any self-supporting woody plant having one or more defined stems or trunks and having a defined crown that customarily attains a mature height of eight feet or greater.

12.15.2 General Landscaping Requirements: These standards shall apply to all areas where landscaping is required by this Resolution.

- 12.15.2.1 Required landscaping shall not include artificial plants, trees, or other artificial vegetation.
  - 12.15.2.2 All required plant material shall be maintained in a healthy and growing condition, and must be replaced if damaged, destroyed, or removed.
  - 12.15.2.3 Landscaping areas shall be kept free of trash, litter and weeds.
  - 12.15.2.4 Landscaping shall not obstruct pedestrian and/or vehicular traffic visibility at street intersections or at access points to streets. All driveways must provide for and maintain a sight visibility triangle. The Zoning Inspector may permit landscaping in the required sight visibility triangle area provided that it does not project into the clear vertical space between the height of thirty (30) inches and ten (10) feet as measured from the pavement.
  - 12.15.2.5 The Zoning Inspector shall approve the landscaping plan and the various landscaping options/combinations for any development as required by this Resolution.
  - 12.15.2.6 No site plan submitted to the Zoning Inspector prior to the effective date of this Resolution shall be required to conform to the landscaping requirements of this Resolution.
- 12.15.3 Commercial, Industrial, Office and Multi-Family Landscaping and Buffering Requirements: These standards shall apply to all commercial, industrial, office and multi-family zoning districts.
- 12.15.3.1 Landscaping Along Street Right-Of-Way: A landscaped edge shall be provided adjacent to all frontage roads, arterial streets, collector streets and local streets serving as an entrance to a residential subdivision, or a commercial or industrial development. The landscaped edge shall be a minimum depth of ten feet. Within the landscaped edge, one tree shall be planted per 50 linear feet of landscaped edge. The number of required trees shall be calculated solely on the linear frontage of the required landscaped edge. Trees may be grouped together or evenly spaced. Four shrubs shall be counted as the equivalent of one tree. For developments in the Township, one tree shall be planted per 50 linear feet of street frontage. Trees may be grouped together or evenly spaced. Four shrubs shall be counted as the equivalent of one tree.
  - 12.15.3.2 Landscaping Required as a Buffer Between New Land Development and Existing Single-Family Developments: For all new commercial, industrial, office and multi-family developments, a landscaped buffer shall be provided adjacent to all existing single-family residential developments. The landscaped buffer shall be a minimum depth of twenty feet. Within the landscaped buffer, one tree shall be planted per 30 linear feet of landscaped buffer. The number of required trees shall be calculated solely on the linear frontage of the required landscaped buffer. Trees may

be grouped together or evenly spaced. Four shrubs shall be counted as the equivalent of one tree. The buffer shall minimize the visual and noise impacts of loading areas, outdoor storage areas and refuse collection activities on surrounding areas. Storage, sales, truck parking, trash collection/compaction, loading or other such uses must not be located closer than thirty-five (35) feet from a residential dwelling or residential district. Storage areas, truck parking, trash collection/compaction, loading areas, HVAC equipment and utility meters shall be screened to their full height.

- 12.15.3.3 Hard Landscaping Buffer Screening Option: For new commercial, industrial, office and multi-family developments, the minimum yards may be reduced to fifty percent (50%) of the minimum side or rear yard requirements, if acceptable landscaping or screening consisting of a wall or solid fence approved by the Board of Zoning Appeals is provided and maintained. Such screening shall be six (6) feet in height, maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or solid fence shall consist of a well maintained strip of land not less than fifteen (15) feet in width planted with evergreen hedge or dense planting of evergreen shrubs with interlocking branches not less than four (4) feet in height and closer than seven (7) feet from the abutting property line at the time of planting. Storage, sales, truck parking, trash collection/compaction, loading or other such uses must not be located closer than thirty-five (35) feet from a residential dwelling or residential district. Storage areas, truck parking, trash collection/compaction, loading areas, HVAC equipment and utility meters shall be screened to their full height. Property owner(s) shall be required to provide perpetual maintenance of the landscaped area.
- 12.15.3.4 Single-Family Landscaping Requirements: A landscape plan is required for the entrance(s) to new single-family residential subdivisions. The location and types of landscaping shall be reviewed by the Zoning Inspector to ensure that motorists' visibility is not threatened and that utility lines are not encroached upon. All landscaping shown on the approved landscape plan shall be planted prior to the issuance of a zoning permit for a dwelling unit within the subdivision. Property owner(s) shall be required to provide perpetual maintenance of the landscaped area.
- 12.15.3.5 Tree Preservation and Protection: The purpose of this section is to establish incentives for the preservation of existing trees within the Township and to provide guidelines for the protection of trees during construction, development, or redevelopment. Tree Preservation Credits - For every large, mature tree (8" caliper or larger) preserved in an area where landscaping is required by this ordinance, the developer shall be given credit for two trees as required by this ordinance. Only trees in good condition shall be considered for credit. The landscape plan that is required to

be submitted with the site plan shall include the approximate location, size (caliper and height), condition and common name of each tree to be preserved for which the applicant is requesting tree credits.- Replacement trees will be required when any tree that was shown on a landscaping plan is removed or dies. Any tree with a caliper of less than three inches shall be replaced by the same caliper of tree. Trees that are larger than three inches in caliper shall be replaced with a tree with minimum caliper of three inches.

12.15.3.6 Care of Trees on Public Land: The Township shall have the right to prune and remove trees, plants, and shrubs within the public right of way lines of all streets, alleys, avenues, lanes, squares and public grounds as may be necessary to insure public safety, to preserve or enhance the symmetry and beauty of the public area, or to protect public utility facilities thereon. Neglect of such property maintenance responsibilities will result in police action against the property owner(s).

12.15.3.7 Landscape Plan Approval: Landscape plans shall be reviewed and approved by the Zoning Inspector as a part of the site plan review of all proposed developments. Upon completing their review, the Zoning Inspector shall:

1. Approve the landscape plan as complying with the requirements of this Resolution, or
2. Approve the landscape plan with conditions that bring it into compliance with the requirements of this Resolution, or
3. Reject the landscape plan as failing to comply with the requirements of this Resolution.
4. Minor adjustments can be made depending on parcel characteristics and site restriction including topography and water features.

The required landscape plan shall contain the following:

1. The date, scale, north arrow, project name and the name of the owner and designer.
2. The location of property lines and dimensions of the tract.
3. The approximate center line of existing water courses, the approximate location of significant drainage features, the location and size of existing and proposed streets and alleys, existing and proposed utility easements and overhead utility lines on or adjacent to the lot, existing and proposed fire hydrants on or adjacent to the lot, and existing and proposed sidewalks on or adjacent to the lot.
4. The location, size and type (tree, shrub, ground cover or grass) of proposed landscaping and the location and size of the proposed landscaped areas.
5. Planting details and/or specifications.
6. The location, size (caliper and height), condition, and common name of any existing tree for which credit is requested shall be indicated. The method of protecting the existing trees that are to be retained from damage during construction shall be described.

## ARTICLE 12A

### PLANNED UNIT DEVELOPMENT DISTRICTS

#### 12A.0 PURPOSE

The Township recognizes residential and special use Planned Unit Developments (PUDs) as integral to long-term development strategies. The purpose of the PUD districts is to provide for residential uses and/or other specific development activities not addressed in the standard districts when it can be demonstrated that such a district furthers the intent of the Comprehensive Plan, pursues creative planning and design, and responsibly addresses integration into its surroundings.

PUDs are to incorporate unique and creative designs such as architectural themes, landscaping themes, clustering and conservation of land, integration of natural features, traffic calming measures and minimization of signage. Developments are to incorporate traffic mitigation strategies with an emphasis on defining proper relationships between buildings and land uses, developing them in a coordinated manner.

Residential PUDs (R-PUDs) are intended to further areas of low and moderate density and associated land uses considered an integral part of the development they serve. R-PUDs will provide greater design flexibility when specific design elements are included and documented in the Overall Development Plan (ODP) of the R-PUD. The inclusion of certain architectural and landscaping themes, the integration of natural features and the conservation of land are all expected elements of the required ODP. R-PUDs are expected to incorporate traffic mitigation strategies/techniques. The R-PUDs ODP should define the proper relationship between residential structures (and accessory uses), public/private infrastructure and the natural surroundings.

Special Use PUDs (SP-PUDs) are intended to further the incorporation of manufacturing, retail, service and limited residential and institutional activities within the community. SP-PUDs will provide greater design flexibility when specific design elements are included and documented in the ODP of the SP-PUD. The inclusion of certain architectural and landscaping themes, the integration of natural features, the conservation of land and the minimization of signage and traffic calming are all expected elements of the required ODP. SP-PUDs are expected to incorporate traffic mitigation strategies/techniques with an emphasis placed on maintaining the existing Level of Service (LOS) on adjacent roadways. The SP-PUDs ODP should define the proper relationship between residential/commercial/institutional structures, proposed economic activities and natural surroundings as well as its impact on the built and human environment.

#### 12A.1 PERMITTED USES IN THE R-PUD DISTRICT

12A.1.1 Permitted uses and development standards shall be established at the time of rezoning the property and must be identified as the conditions upon which the district is approved. Any development standards not explicitly addressed shall conform to standard district regulations. Any use not so designated shall be prohibited unless it is determined to be substantially similar to the approved uses and is in character with the proposed development.



- 12A.1.2 Permitted uses may include one or more of the following: low to medium density (less than four (4) units per acre gross density) residential dwellings, child care centers, playgrounds, and recreational facilities including golf courses, country clubs, conservation areas, nature preserves or public parks.
- 12A.1.3 The Zoning Commission may approve additional uses prior to the final approval.

## **12A.2 GENERAL PROVISIONS FOR R-PUD DISTRICT**

- 12A.2.1 The owner or owners of any tract of land may submit to the Zoning Commission a plan for the use and development of the entire tract of land for residential and allied purposes. The ODP shall be studied and presented before a public hearing. Notice and publication of such public hearings shall conform to the procedures prescribed for hearings on the changes and amendments. If the Zoning Commission approves the plans, they shall be submitted to the Trustees for consideration and action. The approval and recommendations of the Zoning Commission shall be predicated upon a report, filed by the applicant, which documents the rationale and contains the specific evidence and facts showing that the proposed R-PUD project meets with the following conditions: (a) the proposed development plan shall specifically document the purpose of the development and the intended use of the land in an overall pattern of buildings, greenery, parking and amenities; (b) the proposed development plan shall provide satisfactory documentation that the property adjacent to the area included in the plan will not be adversely affected; (c) the proposed development plan shall document all ownership and maintenance agreements to include any common areas, streets, swimming pools, lakes/ponds, golf courses, etc.; (d) the proposed development plan shall demonstrate compatibility with the uses permitted in the district in which the development is proposed to be located; and, (e) the proposed development plan shall document the maximum density and intensity of land uses within the proposed district in order to identify the parameters of all pertinent design criteria requirements.
- 12A.2.2 R-PUDs shall adhere to the Allen County Storm Water & Sediment Control Regulations (SWSCR) and Township Storm Water Management Plans (SWMP) as applicable.
- 12A.2.3 The configuration of lots, public roads and private drives/service roads shall be coordinated with the Allen County Subdivision Regulations and Access Management Regulations as applicable.
- 12A.2.4 A zoning certificate may be issued, even though the use of land, the location and height of buildings to be erected in the area and the yards, and open space contemplated by the plan do not conform in all respects to the standard district regulations.

## **12A.3 SPECIFIC DESIGN CRITERIA FOR R-PUD DISTRICT**

- 12A.3.1 The R-PUD district shall be a minimum of fifteen (15) acres in size.
- 12A.3.2 The R-PUD shall have an open space design that reflects a minimum of twenty percent (20%) of the tract to be developed.

- 12A.3.3 The R-PUD shall utilize a landscaping and buffering plan per the requirements of this document as identified elsewhere in this text. The landscaping and any required buffering shall be designed by a licensed landscape architect in order to achieve the necessary aesthetic balance between the PUD and the surrounding area.
- 12A.3.4 The R-PUD shall provide sufficient parking to accommodate the demands of its residential and any ancillary uses as indicated elsewhere in this document.
- 12A.3.4.1 The R-PUD shall provide one (1) off-street parking area for each three (3) people of capacity plus one (1) for each employee when determining the required parking for all common areas including community rooms, outdoor swimming pools, recreational/sports facilities, etc.
- 12A.3.4.2 The R-PUD shall establish suitable evergreen landscaping as a buffer for all off-street parking areas.
- 12A.3.5 R-PUDs are expected to incorporate various ancillary uses and structures in their design. The following are specific design criteria that shall be incorporated in the respective development.
- 12A.3.5.1 Private swimming pools, detached garages/sheds, hot tubs, sport courts, tennis courts, basketball courts, gazebos, play structures or other similar structures as determined by the Zoning Inspector shall be classified as accessory structures.
- 12A.3.5.2 Accessory structures shall be subordinate to the principal permitted use and respective principal structure. Accessory structures shall be located to the rear or side of the principal structure. No accessory structures shall be located in front yards unless specifically approved during the design review process.
- 12A.3.5.3 All utilities and service structures shall be screened with landscaping to the maximum height of the unit.
- 12A.3.5.4 Accessory structures may not encroach on any platted easement unless the Allen County Engineer approves of such encroachment.
- 12A.3.6 The design and construction of publicly dedicated streets shall be coordinated with the Allen County Subdivision Regulations and Access Management Regulations. In order to adequately address the Allen County Access Management Regulations, the design of private drives or internal service roads such as in condominiums shall be presented to the Allen County Engineer for review.
- 12A.3.7 In order to adequately address the Allen County Access Management Regulations, all R-PUD ODPs shall address the following driveway and sight visibility standards:
- 12A.3.7.1 All multi-family and condominium roads/drives shall be designed to meet the minimum intersection sight distances as established

by the Ohio Department of Transportation's (ODOT's) Location and Design (L&D) Manual sections on Intersection Sight Distance (ISD), Vertical ISD and Horizontal ISD. These sight distances are to be shown on the proposed plan. If it is determined in an approved Traffic Impact Study for the development or by an engineer designing the driveway that it is not feasible to obtain those required intersection sight distances, then the driveway shall be designed to meet the preferred safe stopping distances provided for in the ODOT L&D Manual. All such exceptions are subject to the recommendations of the Allen County Engineer.

- 12A.3.7.2 Two (2) access points are required for developments with thirty (30) or more dwelling units to ensure adequate fire protection and access for emergency medical services.
  - 12A.3.7.3 All development road/drive centerline angles should be designed as close as possible to ninety (90) degrees. In no case shall the driveway be less than seventy-five (75) degrees.
  - 12A.3.7.4 All multi-family, condominium, manufactured home or mobile home park developments shall be designed so as vehicles are traveling in a forward motion when entering or leaving.
  - 12A.3.7.5 All roads/drives must provide for and maintain a sight visibility triangle as illustrated in Illustration J. Structures, landscape plantings, fences or signs other than roadway signs are not permitted in this area. The Zoning Inspector may permit the placement of objects in the required sight visibility triangle area provided that they do not project into the clear vertical space between the height of thirty (30) inches and ten (10) feet as measured from the pavement.
  - 12A.3.7.6 Maximum driveway width shall be thirty-six (36) feet as measured from the right-of-way line. For curbed driveways this width is measured from the back of the curb. Maximum driveway lane width shall be twelve (12) feet.
- 12A.3.8 The R-PUD shall utilize a lighting plan in order to provide the level of illumination necessary for adequate, safe and efficient movement of vehicles and persons without affecting neighboring properties. The lighting plan shall be designed by a licensed electrical engineer in order to achieve the necessary aesthetic balance between the PUD and the surrounding area. The following standards shall be met:
- 12A.3.8.1 All multi-family or condominium clusters with five (5) or more exterior parking spaces are to be illuminated.
  - 12A.3.8.2 All vehicular use and pedestrian pathways shall not drop below one-half (0.5) foot candles. For design purposes, the Light Loss Factor (LLF) shall be calculated using the Illuminating Engineering Society of North America (IESNA) latest standards.

- 12A.3.8.3 Light originating at a site shall not be permitted ten (10) feet beyond the perimeter of the site.
- 12A.3.8.4 All outdoor lighting shall be designed as to minimize light trespass and the impact of glare on all surrounding properties and public right-of-ways.
- 12A.3.8.5 All exterior lighting shall be demonstrated on the plan submittal.

#### **12A.4 PERMITTED USES IN THE SP-PUD DISTRICT**

- 12A.4.1 Permitted uses and development standards shall be established at the time of rezoning the property and must be identified as the conditions upon which the district is approved. Any development standards not explicitly addressed shall conform to standard district regulations. Any use not so designated shall be prohibited unless it is determined to be substantially similar to the approved uses and is in character with the proposed development.
- 12A.4.2 Permitted uses, as defined under the North American Industrial Classification System (NAICS), may include one or more of the following uses: computer and electronic product manufacturing; electrical equipment, appliance and component manufacturing; furniture and related product manufacturing; medical equipment and supplies manufacturing; printing and related support activities; professional and commercial equipment and supplies wholesalers; beer, wine and distilled alcoholic beverage wholesalers; soft drink bottling and distribution; drugs and druggists; sundries wholesalers; commercial banking, savings institutions and credit unions; mortgage companies; securities, commodity contracts and other financial investments; insurance carriers and related activities; offices of real estate agents, brokers and appraisers; professional, scientific and technical services (except large animal veterinary services); personal care services; arts, entertainment and recreation establishments; restaurants and drinking places; furniture and home furnishings stores; electronics and appliance stores; food and beverage stores; health and personal care stores; clothing and clothing accessory stores; sporting goods, hobby, book and music stores; miscellaneous store retailers (excluding used merchandise stores); public administration and government services; health care (except psychiatric and substance abuse hospitals); elementary and secondary schools and libraries; child day care centers; and, religious organizations and worship facilities.
- 12A.4.3 Medium and high density residential structures not to exceed sixteen (16) units per acre may be allowed as a conditional use provided that: all residential uses and/or development activities including multi-family and condominium uses as well as common areas account for less than twenty percent (20%) of the total SP-PUD area; meet all regulations as defined elsewhere in the R-PUD District standards; the residential component is included as an integral part of the SP-PUD and where supporting accessory uses, structures and public infrastructure are available/provided.
- 12A.4.4 The Zoning Commission or Board of Zoning Appeals may approve additional uses prior to the Final Plat.

## **12A.5 GENERAL PROVISIONS FOR SP-PUD DISTRICT**

- 12A.5.1 The owner or owners of any tract of land may submit to the Zoning Commission an ODP for the use and development of the entire tract of land. The ODP shall be studied and presented before a public hearing. Notice and publication of such public hearings shall conform to the procedures as prescribed elsewhere in this Resolution. If the Zoning Commission approves the plans, they shall be submitted to the Trustees for consideration and action. The approval and recommendations of the Zoning Commission shall be predicated upon a report, filed by the applicant, which documents the rationale and contains the specific evidence and facts showing that the proposed SP-PUD project meets with the following conditions: (a) the proposed development plan shall specifically document the purpose of the development and the intended use of the land in an overall pattern of streets, drainage, buildings, greenery, parking and amenities; (b) the proposed ODP shall provide satisfactory documentation that the property adjacent to the area included in the plan will not be adversely affected; (c) the proposed development plan shall document all ownership and maintenance agreements to include any common areas, streets, swimming pools, lakes/ponds, recreational/sports facilities, etc.; (d) the proposed development plan shall demonstrate compatibility with the uses permitted in the district in which the development is proposed to be located; and, (e) the proposed ODP shall document the maximum density and intensity of land uses within the proposed district in order to identify the parameters of all pertinent design criteria requirements.
- 12A.5.2 SP-PUDs shall adhere to the Allen County SWSCR and the Township's SWMP as required.
- 12A.5.3 The configuration of lots and any public roads and private drives/service roads shall be coordinated with the Allen County Subdivision Regulations and the Allen County Access Management Regulations as applicable.
- 12A.5.4 SP-PUD applicants shall study, document and submit a traffic impact analysis of the proposed development and present it to the Allen County Engineer for his review and recommendations. The analysis shall identify the full impact of a phased development.
- 12A.5.5 A zoning certificate may be issued, even though the use of land, the location and height of buildings to be erected in the area and the yards and open space contemplated by the plan do not conform in all respects to the standard district regulations.

## **12A.6 SPECIFIC DESIGN CRITERIA FOR SP-PUD DISTRICT**

- 12A.6.1 The SP-PUD district shall be a minimum of fifteen (15) acres in size.
- 12A.6.2 The SP-PUD shall have an open space design that reflects a minimum of twenty percent (20%) of the tract to be developed.
- 12A.6.3 The design and construction of publicly dedicated streets shall conform to the Allen County Subdivision Regulations. The design of private drives or

internal service roads shall be presented to the Allen County Engineer for review.

12A.6.4 All SP-PUD ODPs shall address the following driveway and sight visibility standards:

12A.6.4.1 All driveways shall be designed to meet the minimum intersection sight distances as established by the ODOT L&D Manual sections on ISD, Vertical ISD and Horizontal ISD. These sight distances are to be shown on the proposed plan. If it is determined in an approved Traffic Impact Study for the development or by an engineer designing the driveway that it is not feasible to obtain those required intersection sight distances, then the driveway shall be designed to meet the preferred safe stopping distances provided for in the ODOT L&D Manual. All such exceptions are subject to the approval of the Allen County Engineer.

12A.6.4.2 Driveway centerline angles should be designed as close as possible to ninety (90) degrees. In no case shall the driveway be less than seventy-five (75) degrees.

12A.6.4.3 All driveways must provide for and maintain a sight visibility triangle as illustrated in Illustration J. Structures, landscape plantings, fences or signs other than roadway signs are not permitted in this area. The Zoning Inspector may permit the placement of objects in the required sight visibility triangle area provided that they do not project into the clear vertical space between the height of thirty (30) inches and ten (10) feet as measured from the pavement.

12A.6.4.4 Maximum driveway width shall be thirty-six (36) feet as measured from the right-of-way line. For curbed driveways this width is measured from the back of the curb. Maximum driveway lane width shall be twelve (12) feet.

12A.6.5 The SP-PUD shall provide sufficient parking to accommodate the demands of its commercial and any ancillary uses. Parking areas shall provide safe, convenient and efficient access.

12A.6.5.1 All service drives, off-street parking areas, driveways and maneuvering aisles shall be paved with asphalt, concrete, pavers or combination thereof.

12A.6.5.2 The number of required parking spaces shall be provided based on an established use and parking requirements identified elsewhere in this document. Where the ODP fails to identify a proposed use, the Zoning Inspector will identify an appropriate use to determine minimum standards.

12A.6.5.3 Parking spaces shall be distributed as follows: a maximum of forty percent (40%) in front of the primary structure; a maximum of seventy percent (70%) to the side of the primary structure;

and, a minimum of ten percent (10%) to the rear of the structure. Where the rear of the primary structure is adjacent to residential uses or zoning districts parking will be prohibited.

- 12A.6.5.4 All required parking shall be identified and contained within the proposed SP-PUD unless the Board of Zoning Appeals approves a joint parking agreement. In such cases, a written agreement between all property owners shall identify all issues related to occupancy, maintenance and liability and record same in the office of the Allen County Recorder. A copy of the agreement will be kept with the zoning certificate.
- 12A.6.5.5 All service drives, off-street parking areas, driveways and maneuvering aisles shall be kept free of standing water, litter, glass, nails and other materials or debris which could create a hazardous situation.
- 12A.6.5.6 The SP-PUD shall establish suitable evergreen landscaping as a buffer for all off-street parking areas.
- 12A.6.5.7 Where a residential component is included, the SP-PUD shall provide two (2) off-street parking spaces for each single-family unit. Multi-family developments shall provide two (2) off-street parking spaces for each dwelling unit and one (1) visitor parking space for every two (2) units evenly distributed throughout the parking area. The SP-PUD shall provide one (1) off-street parking area for each three (3) people of capacity plus one (1) for each employee when determining the required parking for all common areas including community rooms, outdoor swimming pools, recreational/sports facilities, etc.
- 12A.6.6 The SP-PUD shall utilize a landscaping and buffering plan per the requirements of this document. The landscaping and required buffering shall be designed by a licensed landscape architect in order to achieve the necessary aesthetic balance between the SP-PUD and the surrounding area.
  - 12A.6.6.1 No building, structure or vehicular access area shall be developed or expanded unless the minimum landscaping and buffering requirements are established. The Township shall issue a zoning certificate attesting to the integration of all landscaping/buffering requirements upon completion.
  - 12A.6.6.2 Trees, vegetation, retention areas, waterways, fences, walls and other landscape/buffer elements are considered elements of the SP-PUD in the same manner as parking and other site details. The owner of the property shall be responsible for the continuous and proper maintenance of all landscaping materials and shall keep them in good order and free from refuse and debris at all times. Maintenance agreements are required in the ODP.
  - 12A.6.6.3 Buffers are required around the perimeter of the site. Landscape materials used to fulfill buffer requirements shall be installed to provide one hundred percent (100%) year round opacity. Buffer

materials must be an evergreen species. Evergreen shrubs must be a minimum of two (2) feet in height at time of planting. Evergreen trees must be a minimum of six (6) feet in height. Grass or ground cover shall be planted on all portions of required landscape/buffer areas not addressed by hedges, walls or trees. Trees, evergreen shrubs and mounds must be placed no further than seven (7) feet from the edge or curb.

- 12A.6.6.4 To reduce excessive heat build-up and emissions from large parking areas, landscaped islands/areas must be provided when twenty (20) or more parking spaces are provided. All landscape islands must be a minimum of one hundred ten (110) square feet in size and a maximum of four hundred (400) square feet and contain at least one (1) tree, a minimum of two (2) inches in caliper at installation. Trees shall be landscaped with hardwood mulch, shrubs or groundcover, not to exceed two (2) feet in height.
- 12A.6.6.5 Landscaped islands within parking areas shall total at least ten percent (10%) of the gross paved parking area. Trees at least two (2) inches in caliper at time of installation shall be provided for each five thousand (5,000) square feet of parking area. These areas may be included in the Storm Water Retention Plan for the site.
- 12A.6.7 The SP-PUD shall utilize a lighting plan in order to provide the level of illumination necessary for adequate, safe and efficient movement of vehicles and persons without affecting adjacent properties. The lighting plan shall be designed by a licensed electrical engineer in order to achieve the necessary aesthetic balance between the SP-PUD and the surrounding area. The following standards shall be met:
  - 12A.6.7.1 All SP-PUDs shall provide lighting for the entire vehicle use area, exterior doorways and access walkways. In any residential areas, five (5) or more exterior parking spaces are to be illuminated.
  - 12A.6.7.2 All vehicular use and pedestrian pathways shall not drop below one-half (0.5) foot candles. For design purposes, the LLF shall be calculated using IESNA latest standards.
  - 12A.6.7.3 Light originating at a site shall not be permitted ten (10) feet beyond the perimeter of the site and shall not exceed one-half (0.5) foot candle in residential areas or one (1.0) foot candle in commercial areas of the SP-PUD.
  - 12A.6.7.4 All outdoor lighting shall be designed as to minimize light trespass and the impact of glare on all surrounding properties and public right-of-ways.
  - 12A.6.7.5 All pole-mounted luminaries shall be restricted to thirty-three (33) feet in commercial areas of the SP-PUD. Heights in residential areas shall not exceed twenty-three (23) feet.



- 12A.6.7.6 All exterior lighting shall be demonstrated on the plan submittal.
- 12A.6.8 The SP-PUD shall minimize the visual and noise impacts of loading areas, outdoor storage areas and refuse collection activities on surrounding areas.
  - 12A.6.8.1 Storage, sales, truck parking, trash collection/compaction, loading or other such uses must not be located closer than thirty-five (35) feet from a residential dwelling or residential district.
  - 12A.6.8.2 Storage areas, truck parking, trash collection/compaction, loading areas, HVAC equipment and utility meters shall be screened to their full height.

## ARTICLE 13

### SUPPLEMENTARY DISTRICT REGULATIONS

#### 13.0 **PURPOSE**

The purpose of supplementary district regulations is to set specific conditions for various uses, classifications of uses, or areas wherein problems may occur, in order to alleviate or preclude such problems and to promote the harmonious experience of property rights without conflict.

#### 13.1 **CONVERSION OF DWELLING TO MORE THAN ONE UNIT**

A residence may not be converted to accommodate an increased number of dwelling units unless all of the following conditions are met:

- 13.1.1 The district within which the residence is located is so regulated as to allow such an increase in dwelling units;
- 13.1.2 The yard dimensions still meet the yard dimensions required by the zoning regulations for new structures in that district;
- 13.1.3 The lot area per family meets the lot area requirements for new structures in that district;
- 13.1.4 The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district; and,
- 13.1.5 The conversion is in compliance with all other local codes and resolutions and any applicable state or federal regulations.

#### 13.2 **PRINCIPAL BUILDING PER LOT**

For the purposes of this resolution, no more than one (1) principal dwelling unit may be constructed in an Agricultural District, a Residential 1 District, or Residential 2 District. Rear dwellings shall be prohibited and shall be considered nonconforming uses subject to the requirements of Sections 16.0 through 16.11 of this Resolution.

#### 13.3 **REDUCTION OF AREA OR SPACE**

No lot, yard, parking area, or other space shall be reduced in area or dimension if such reduction has the effect of making the lot, yard, parking area, or other space less than the minimum required by this Resolution. Furthermore, any lot, yard, parking area, or other space which is already less than the required minimum shall not be reduced further. However, nothing in this section shall be interpreted to limit the power of the Board of Zoning Appeals in the granting of variances under this Resolution.

#### 13.4 **CONSTRUCTION IN EASEMENTS**

Easements for installation, operation and maintenance of utilities and drainage facilities are reserved as shown on each plat when recorded or otherwise established. Within these easements, no permanent building or structure shall be placed or permitted which

may damage or which may interfere with the installation, operation, and maintenance of such utilities or which may change the normal direction of flow of drainage channels within the easement. The easement area of each lot, and any improvements within it, shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility is responsible.

### **13.5 PARKING AND STORAGE OF VEHICLES AND TRAILERS**

No commercial trucks in excess of one (1) ton, to include commercial tractors, automobiles, trucks, buses, house trailers, semi-trailers, or recreational vehicles shall be parked or stored on any property or upon a public roadway within an agricultural or residential zoning district other than in a completely enclosed building, except those commercial vehicles conveying the necessary tools, materials, and equipment to a premises where labor using such tools, materials, and equipment is to be performed during the actual time of parking.

No automotive vehicles or trailers of any type without current license plates shall be parked or stored on any residential property other than in a completely enclosed building. A maximum of one (1) boat and/or one (1) unoccupied recreational vehicle may be stored in either the rear or side yard of any residentially zoned property if it has a current license, meets the requirements of this Resolution for accessory structures, and is screened according to the requirements of this Resolution.

### **13.6 JUNK**

The accumulation or storage of junk, junk vehicles, disabled or inoperative machinery or equipment, vehicles or machinery parts, rags, or any other discarded objects or debris defined as junk in Section 4737.05(A) of the Ohio Revised Code or in such statute as it may hereafter be amended shall be prohibited outside of a completely enclosed roofed facility or outside of an existing registered, approved salvage yard in order to protect residents from conditions conducive to the infestation and breeding of vermin, insects, and rodents.

### **13.7 SUPPLEMENTAL YARD AND HEIGHT REGULATIONS**

In addition to the regulations specified in Article 13 and in other sections of this Resolution, Sections 13.8 through 13.13 inclusive shall be used for clarification and interpretation.

### **13.8 SETBACK REQUIREMENTS FOR STRUCTURES ON CORNER LOTS**

The principal building and its accessory structures located on any corner lot shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.

### **13.9 YARD REQUIREMENTS FOR MULTI-FAMILY DWELLINGS**

Multi-family dwelling shall be considered as one (1) building for the purpose of determining front, side, and rear yard requirements. The entire group as a unit shall require one (1) front, one (1) rear, and two (2) side yards as specified for dwellings in the appropriate district. Each individual building shall meet all yard requirements for the appropriate district as though it were on an individual lot.

**13.10 REGULATION OF AGRICULTURAL ACTIVITIES**

Land in any district may be used for agricultural purposes, except those lots one acre or less located in residential subdivisions. No zoning certificate shall be required for the construction of buildings incidental to the use of agricultural purposes of the land on which said buildings shall be located. The residence must comply with the zoning regulations. "Agricultural" shall include farming, dairying, pasturage, apiculture, horticulture, foresting, floriculture, viticulture, and animal and poultry husbandry.

**13.11 EXCEPTIONS TO HEIGHT REGULATIONS**

The height limitations contained in the Official Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport.

**13.12 ARCHITECTURAL PROJECTIONS**

Open structures such as porches, canopies, balconies, platforms, carports, covered patios, and similar architectural projections shall be considered parts of the building to which attached and shall not project into the required minimum front, side, or rear yard.

**13.13 OBSTRUCTIONS TO ROADWAY VISIBILITY**

In order to protect the safety, comfort and general welfare of Township residents, nothing shall be installed, erected, placed, planted or allowed to grow in such a manner as to impede vision to area roadways.

- 13.13.1 On a corner lot at the intersection of two (2) roadways in any district, nothing shall be installed, erected, placed, planted, or allowed to grow in such a manner as to impede vision.
- 13.13.2 On a corner lot at the intersection of two alleys or at the intersection of an alley and a street, within any district, nothing shall be installed, erected, placed, planted, or allowed to grow in such manner as to impede vision.
- 13.13.3 On the right-of-way of any street, in any district, nothing shall be installed, erected, placed or planted.

**13.14 REQUIRED REFUSE COLLECTION AREAS**

The storage and collection of garbage and refuse within each district shall be conducted so as to create no health hazards, rodent harborage, insect breeding areas, fire hazards or air pollution. In all Residential 1 and 2 Districts and Manufactured Home Parks, all garbage/refuse shall be stored in rust resistant, watertight, fly-tight, rodent-proof containers. In Manufactured Home Parks these containers shall be located no more than one hundred fifty (150) feet from any manufactured home lot and shall be collected at least once weekly.

The refuse collection areas provided by commercial, industrial, and all other residential uses for the collection of trash, garbage, and other refuse shall be enclosed on three (3) sides by a solid wall or fence, such fence/wall will be at least six (6) feet in height and be

suitably landscaped and screened, or the area should be within an enclosed building or structure. Provisions shall be made for regular and adequate vehicular access to such areas for collection purposes as determined necessary by the Zoning Inspector. In addition, the following requirements shall be met:

- 13.14.1 The storage of hazardous or toxic materials or wastes shall not be permitted without documented approval of the Ohio Environmental Protection Agency;
- 13.14.2 Materials or wastes which might cause fumes or dust or otherwise constitute a fire hazard, or which may attract rodents or insects, shall be stored only in enclosed containers constructed of impervious materials; and,
- 13.14.3 Storage areas in residential districts shall utilize such additional screening as required in this Resolution.

**13.15 OBJECTIONABLE, NOXIOUS, OR DANGEROUS USES, PRACTICES OR CONDITIONS**

No land or building in any district shall be occupied or used in any manner which creates or contributes to the existence of conditions which are dangerous, injurious, harmful, noxious, or objectionable, or which may otherwise adversely affect surrounding areas or adjoining premises, except that any use permitted by this Resolution may be undertaken or maintained if acceptable measures and safeguards to reduce any dangerous or objectionable conditions to acceptable limits, as established in this Section, are properly exercised. The occupation or use of any land or building in any district shall be in violation of this Resolution if one or more of the following conditions are found to exist at any time:

- 13.15.1 The use or storage of flammable or explosive materials not adequately protected by fire-fighting and fire-protection equipment or by such safety devices as are normally required for such activities;
- 13.15.2 Activities involving the use and storage of flammable and explosive materials are not removed from adjacent facilities or activities to a distance compatible with the potential danger involved;
- 13.15.3 Radioactivity or air pollution present in violation of the regulations of the Ohio Environmental Protection Agency;
- 13.15.4 Hazardous wastes present in violation of the regulations of the Ohio Environmental Protection Agency;
- 13.15.5 Objectionable noise as determined by the Zoning Inspector due to volume, frequency or beat;
- 13.15.6 Vibration discernible by the Zoning Inspector without instruments present on an adjoining lot or property;
- 13.15.7 Direct or reflected glare which is visible from any street or from any property not within a manufacturing district;
- 13.15.8 Erosion caused by wind or water carrying objectionable substances onto any adjacent lot or property; or,

13.15.9 Water pollution or contamination present in violation of the regulation of the Ohio Environmental Protection Agency.

**13.16 ASSURANCE REQUIREMENTS AND PLANS**

Prior to the issuance of a Zoning Permit, the Zoning Inspector may require the submission of written assurances and plans indicating the manner in which dangerous and objectionable aspects or elements of processes or operations entailed in certain uses or occupations are to be eliminated or reduced to acceptable limits and tolerances.

**13.17 ENFORCEMENT PROVISIONS**

Any occupancy, use, conditions or circumstances existing in violation of Sections 13.16 and 13.17 of this Resolution shall constitute a violation of this Resolution and be subject to the enforcement procedures contained in this Resolution.

**13.18 LANDSCAPING AND SCREENING PROVISIONS**

Screening or buffering in compliance with the provisions of this section shall be provided for any permitted or conditionally permitted non-residential uses which abut any residential district, in addition to setback and yard requirements provided elsewhere in the Resolution. Applicants for a Zoning Permit may request a variance from yard or setback requirements in conjunction with a plan for screening, which the Board of Zoning Appeals may consider by weighing the relationship of the proposed screening plan and the requested dimensional variance with respect to their joint impact upon neighboring properties. Such requested variance for a conditionally permitted use shall be incorporated in the conditional use procedure specified in Article 18 of this Resolution. The following provisions shall apply with respect to screening.

13.18.1 Screening shall be provided for one (1) or more of the following purposes:

- a. A visual barrier to partially or completely obstruct the view of structures or activities;
- b. An acoustic screen to aid in absorbing or deflecting noise; and/or,
- c. A physical barrier to contain debris and litter.

13.18.2 Screening may consist of one (1) of the following, or a combination of two (2) or more, as determined by the Board of Zoning Appeals, in the event of an appeal, variance, or conditional use:

- a. A solid masonry wall;
- b. A solidly constructed wooden decorative fence;
- c. A louvered fence;
- d. A chain link fence;
- e. Dense vegetative plantings; and/or,
- f. Landscaped mounding.

- 13.18.3 Height of screening shall be in accordance with the following:
- a. Visual screening walls, fences, plantings, or mounds shall be a minimum of six (6) feet in height in order to accomplish the desired screening effect, except in required front yards where maximum height shall be not greater than two and one-half (2.5) feet. Plantings shall be a minimum of four (4) feet in height at the time of planting; and,
  - b. A dense vegetative planting with a minimum height of four (4) feet at planting and a mature height of at least six (6) feet or greater or a solidly constructed decorative fence shall be permanently maintained along the mutual boundary of an accessory parking area and adjacent land zoned for residential uses, except for the portion of such boundary located within a required front yard.
- 13.18.4 Screening for purposes of absorbing or deflecting noise shall have a depth of at least fifteen (15) feet of dense planting or a solid masonry wall in combination with decorative plantings. The height shall be adequate to redirect noise as determined by the Board of Zoning Appeals in relation to the nature of the use.
- 13.18.5 Whenever required screening is adjacent to parking areas or driveways, such screening shall be protected by bumper blocks, posts, or curbing to avoid damage by vehicles; and,
- 13.18.6 All screening shall be trimmed, maintained in good condition, and free of advertising or other signs, except for directional signs and other signs for the efficient flow of vehicles.

### **13.19 LANDSCAPING MOUNDS, RAISED BEDS AND OTHER EARTH WORKS**

No land shall be graded, cut, or filled so as to create a mound with a slope exceeding a vertical rise of one (1) foot for each three (3) feet of horizontal distance between abutting lot lines. Major cuts, excavation, grading, and filling, where the same materially changes the site and its relationship with the surrounding areas or materially affects such areas, shall not be permitted if such excavation, grading and filling will result in a slope exceeding a vertical rise of one (1) foot for each three (3) feet of horizontal distance between abutting lot lines or adjoining tracts of land, except where the Zoning Inspector has determined that adequate provision is made to retain runoff and eliminate the negative consequences of standing water.

### **13.20 DRAINAGE**

Drainage criteria for all construction on lots in Perry Township shall conform to the most current drainage criteria of Allen County Subdivision Regulations and the Allen County Storm Water and Sediment Control Regulations that may be in effect.

### **13.21 TEMPORARY USES**

The following regulations are necessary to govern certain uses which are of a non-permanent nature. For such uses requiring temporary zoning permits, at least seven (7) days before the instigation of such use, an application for a Zoning Permit shall be made to the Zoning Inspector and shall contain a graphic description of the property to be

used, a description of the proposed use, and a site plan with sufficient information to determine the yard, setback, parking, and sanitary facility requirements for the proposed temporary use.

The following uses are deemed to be temporary uses and shall be subject to the specified regulations and time limits which follow, as well as the regulations of any district in which they are located:

- 13.21.1 Real estate sales offices, which shall contain no living accommodations, shall be permitted within any district for any new subdivision for a period of one (1) year, except that two (2) six (6) month extensions may be granted if conditions warrant. Such offices shall be removed upon the completion of the sales of the lots therein or upon the expiration of the zoning permit, whichever occurs first;
- 13.21.2 Temporary buildings, offices, and equipment and storage facilities required in conjunction with construction activity may be permitted within any district for a period of one (1) year, except that six (6) month extensions may be granted if construction is substantially underway. Such uses shall be removed immediately upon completion of the construction or upon expiration of the zoning permit, whichever occurs first;
- 13.21.3 Temporary sales and services may be permitted within parking areas within any commercial district. A zoning permit valid for a period not to exceed four (4) consecutive days shall only be issued three (3) times within any twelve-month period to any individual or organization. The application for the temporary zoning permit shall be accompanied by written permission of the property owners, and shall be prominently displayed at the site. The Zoning Inspector shall not issue a permit for such temporary use if it is determined that it encroaches upon more than twenty-five percent (25%) of the required parking area;
- 13.21.4 Temporary retail sales and services, such as sales of plants, flowers, arts and crafts, farm produce, or similar items on lots other than parking lots, including any lot on which an existing business is operating or on which a business is vacated, may be permitted for any for-profit individuals or organizations in any commercial district. A zoning permit valid for a period not to exceed two (2) consecutive days shall only be issued three (3) separate times for any particular lot within any twelve (12) month period; and, not more than one (1) permit may be issued at the same time for any lot. The applicant must submit a current vendor's license or transient vendor's license and a written statement from the property owner authorizing such use. This section shall not be interpreted to prohibit any such use in any case where a valid covenant or deed restriction specifically authorizes such use. In any case, the zoning permit shall be prominently displayed at the site; and,
- 13.21.5 Garage sales, which for the purposes of this section shall include yard sales, barn sales, and similar activities, may be permitted within any district in which dwellings are permitted. Any individual or family may conduct one (1) such sale within any twelve (12) month period upon the property at which they reside for a period not to exceed three (3) consecutive days without obtaining a zoning permit, so long as the provisions of this Resolution pertaining to signs and parking are observed. Garage sale permits shall only be issued to



groups of families, neighborhood organizations and community organizations two (2) times within any twelve (12) month period and shall not exceed a period of three (3) consecutive days, so long as the provisions of this Resolution pertaining to signs and parking are observed.

### **13.23 CONSTRUCTION & MAINTENANCE OF PEDESTRIAN AMENITIES**

Sidewalks and shared use paths are a critical piece of infrastructure. The purpose of sidewalks and multi-use paths are varied. They enhance public safety by separating motor vehicles from pedestrians and provide safe areas for children, the disabled and seniors. Sidewalks and pedestrian paths allow for pedestrian movements, but they're also a public space where people stop, look and contemplate. Sidewalks also host people-watching and serve critical functions such as transferring between travel modes. Sidewalks also enrich society by allowing spontaneous encounters, conversations, and mingling between folks "from different walks of life.

As a result where sidewalks and pedestrian paths are required or have been established the Township shall require such infrastructure to be designed, built and maintained properly and safely.

- 13.23.1 Sidewalks shall be constructed along arterials, collectors and frontage streets serving new commercial, office, governmental buildings and multifamily developments. Such sidewalks shall be designed to a minimum width of five feet (5') and constructed of Portland concrete as specified by the standard construction specifications of the County Engineer.
- 13.23.2 Shared use paths when integrated into new commercial, office and multifamily developments shall be designed to a width of ten feet (10') and constructed of Portland concrete as specified by the standard construction specifications of the County Engineer.
- 13.23.3 The owner, occupant or any person having the care of any building, lot or land abutting on any street, square or other public way within the Township, where there is a sidewalk or shared use path in front of or along same, shall, within the first four hours after daylight after snow has ceased to fall, cause such snow to be removed from such way. The provision of this section shall also apply to the falling of snow or ice from building upon such walks/paths.
- 13.23.4 Whenever the sidewalk or shared use path or any part thereof any building, lot or land on any street is encumbered with snow, sleet and/or ice, it shall be the duty of the owner, occupant or any person having care of any such building or lot to cause such sidewalk to be made safe and convenient by removing the ice there from or covering the same with sand, salt or other suitable substance.
- 13.23.5 Whenever the sidewalk or any part thereof any building, lot or land on any street is encumbered with cracks or chips, it shall be the duty of the owner to cause such repair to render the sidewalk or shared use path safe for the public.
- 13.23.6 Failure to comply with the above regulations constitute a violation of the Zoning Resolution and may result in a MAINTENANCE FEE if the Township is forced to correct and remedy the situation.

## ARTICLE 14

### OFF-STREET PARKING AND LOADING FACILITIES

#### 14.0 GENERAL

In all districts, at any time any building, structure or use of land is erected, enlarged, increased in capacity or use, there shall be provided for every use off-street parking spaces for automobiles in accordance with the provisions of Sections 14.0 through 14.10 of this Article. A parking plan shall be required for all uses except for single- or two- (2) family residential uses. The parking plan shall be submitted to the Zoning Inspector as a part of the application for a zoning permit. The plan shall show the boundaries of the property, parking spaces, access driveways, circulation patterns, drainage and construction plans, and boundary walls, fences and a screening plan, as appropriate.

Whenever a building or use constructed or established after the effective date of this Resolution is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise to create a need for an increase of ten percent (10%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this Resolution is enlarged to the extent of fifty percent (50%) or more in floor area or in the area used, such building or use shall then and thereafter comply with the parking requirements set forth herein.

#### 14.1 OFF-STREET PARKING DESIGN STANDARDS

All off-street parking facilities including entrances, exits, maneuvering areas, and parking spaces shall be in accordance with the following standards and specifications:

- 14.1.1 Parking Space Dimensions: Each off-street parking space shall have an area of not less than one hundred sixty-two (162) square feet (9x18) exclusive of access drives or aisles, and shall be of usable shape and condition;
- 14.1.2 Access: There shall be adequate provision for ingress and egress to all parking spaces. Where the lot or parking spaces do not provide direct access to a public street or alley, an access drive shall be provided, with a dedicated easement of access, as follows:
  - a. For single- or two- (2) family residential dwellings, the access drive shall be a minimum of nine (9) feet in width;
  - b. For all other residential uses and all other uses, the access drive shall be a minimum of eighteen (18) feet in width; and,
  - c. All parking spaces, except those required for single, two- (2), or three- (3) family dwellings, shall have access to a public street or alley in such a manner that any vehicle leaving or entering the parking area from or into a public street or alley shall be traveling in a forward motion.
- 14.1.3 Setbacks: The location of off-street parking facilities for more than five (5) vehicles may be located in required yards as specified elsewhere in this Resolution notwithstanding the requirements specified in the Official and

Supplementary Schedules of District Regulations and Dimensional Requirements. In no case, however, shall parking area be located on the road right-of-way;

- 14.1.4 Screening: In addition to the setback requirements specified in this Resolution for off-street parking facilities for more than five (5) vehicles, screening shall be provided on each side of a parking area that abuts any Residential District. Screening shall comply with the requirements of Section 13.20 of this Resolution;
- 14.1.5 Paving: All required parking spaces, except for uses within any I-District if said parking area is at least seven hundred (700) feet from any Residential District, together with driveways and other circulation areas, shall be hard-surfaced with a pavement having an asphalt or concrete binder, provided, however, that variances for parking related to school auditoriums, assembly areas, sports fields and other community meeting or recreation areas may be granted. Paved areas shall be provided for daily use parking areas. Where paving is not required, proper dust control measures shall be undertaken and maintained;
- 14.1.6 Drainage: All parking spaces, together with driveways, aisles, and other circulation areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such areas and shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways, or onto the public streets. Adequate arrangements shall be made to insure acceptable diversion to an adequate storm water drainage system pursuant to Section 13.22;
- 14.1.7 Barriers: Wherever a parking lot extends to a property line, fencing, wheel stops, curbs, or other suitable barriers shall be provided in order to prevent any part of a parked vehicle from extending beyond the property line;
- 14.1.8 Visibility: Access of driveways for parking areas shall be located in such a way that any vehicle entering or leaving such parking area shall be clearly visible for a reasonable distance by any pedestrian or motorist approaching the access or driveway from a public or private street or alley;
- 14.1.9 Marking: All parking areas for twenty (20) or more spaces shall be marked with paint lines, and/or curb stones, and shall be maintained in a clearly visible condition;
- 14.1.10 Maintenance: Any owner of property used for parking areas shall maintain such areas in good condition without holes and free of all dust, trash, or other debris;
- 14.1.11 Signs: Where necessary due to multiple curb cuts, the entrances, exits, and the intended circulation pattern of the parking area shall be clearly marked; and,
- 14.1.12 Lighting: Any lights used to illuminate a parking lot shall be so arranged as to direct the light away from the adjoining property in any R-District.

## **14.2 DETERMINATION OF REQUIRED SPACES**

In computing the number of parking spaces required by this Resolution, the following rules shall apply:

- 14.2.1 Where floor area is designated as the standard for determining parking space requirements, floor area shall be the sum of the gross horizontal area of all the floors of a non-residential building measured from the faces of the exterior walls, excluding only stairs, washrooms, elevator shafts, and similar nonusable areas;
- 14.2.2 Where seating capacity is the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or indicated or each eighteen (18) linear inches of benches or pews, except where occupancy standards are set by the fire marshal;
- 14.2.3 Fractional numbers shall be increased to the next whole number; and,
- 14.2.4 The parking space requirements for a use not specifically specified in this Resolution shall be determined following the procedure for Substantially Similar Uses as required by Sections 17.11 through 17.15 inclusive of this Resolution.

## **14.3 JOINT OR COLLECTIVE PARKING FACILITIES**

The joint or collective provision of required off-street parking areas shall comply with the following standards and requirements:

- 14.3.1 All required parking spaces shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located not farther than five hundred (500) feet from the building served;
- 14.3.2 Not more than fifty percent (50%) of the parking spaces required for theaters, bowling alleys, dance halls, night clubs, taverns and similar uses, and up to one hundred percent (100%) of the parking spaces required for churches, schools, auditoriums and similar uses may be provided and jointly used by banks, offices, retail stores, repair shops, service establishments and similar uses that are not normally open, used, or operated during the same hours as the uses for which such spaces are jointly or collectively used; and,
- 14.3.3 In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be approved as to form by legal counsel, and filed with the application for a zoning permit.

#### **14.4 OFF-STREET STORAGE AREAS FOR DRIVE-IN SERVICES**

Establishments which by their nature create lines of customers waiting to be served within automobiles shall provide off-street storage areas in accordance with the following requirements:

- 14.4.1 Photo pickups, drive-thru beverage docks, and other similar commercial establishments that can normally serve customers in three (3) minutes or less shall provide no less than five (5) storage spaces per window. Drive-thru restaurants and other similar uses which require an additional stopping point for ordering shall provide a minimum of three (3) additional storage spaces for each such stopping point;
- 14.4.2 Other commercial establishments such as banks, savings and loan offices or other similar facilities shall provide no less than four (4) storage spaces per window;
- 14.4.3 Self-serve automobile washing facilities shall provide no less than three (3) storage spaces per stall. All other automobile washing facilities shall provide a minimum of six (6) storage spaces per entrance; and,
- 14.4.4 Motor vehicle service stations shall provide no less than two (2) storage spaces for each accessible side of a gasoline pump island. Gasoline pumps shall not be located closer than twenty (20) feet to any street right-of-way line.

#### **14.5 PARKING OF DISABLED VEHICLES**

The parking of a disabled vehicle within a residential district for a period of more than one (1) week shall be prohibited, except that such vehicle may be stored in an enclosed garage or other accessory building.

#### **14.6 PARKING SPACE REQUIREMENTS**

For the purpose of this Resolution the following parking space requirements shall apply, and the number of parking spaces required for uses not specifically mentioned shall be determined by the Board of Zoning Appeals following the Substantially Similar Use procedure as specified in Sections 17.11 through 17.15 of this Resolution:

- 14.6.1 Various Residential Uses Shall Require:
  - a. Single family or two- (2) family dwelling, two (2) for each unit;
  - b. Apartments, townhouses or multi-family dwellings, two (2) for each unit; and,
  - c. Mobile homes, two (2) for each unit.
- 14.6.2 Various Business Related Uses Shall Require:
  - a. Animal hospitals and kennels - One (1) for each four hundred (400) square feet of floor area and one (1) for each two (2) employees;

- b. Motor vehicle repair station - One (1) for each four hundred (400) square feet of floor area and one (1) for each employee;
- c. Motor vehicle salesroom - One (1) for each four hundred (400) square feet of floor area and one (1) for each employee;
- d. Motor vehicle service stations - Two (2) for each service bay, one (1) for each employee and one (1) for every two (2) gasoline pumps;
- e. Car washing facilities - One (1) for each employee;
- f. Banks, financial institutions, post offices, and similar uses - One (1) for each two hundred fifty (250) square feet of floor area and one (1) for each employee;
- g. Barber and Beauty shops - Three (3) for each barber or beauty operator;
- h. Carry-out restaurants - One (1) for each two hundred (200) square feet of floor area and one (1) for each two (2) employees;
- i. Drive-in restaurants - One (1) for each one hundred twenty-five (125) square feet of floor area and one (1) per each two (2) employees;
- j. Hotels, motels - One (1) for each sleeping room plus one (1) space for each two (2) employees;
- k. Boarding, Rooming, Tourist and Bed/Breakfast Home - One (1) for each sleeping room;
- l. Furniture, appliance, hardware, machinery or equipment sales and service, and wholesale establishments - Two (2) plus one (1) additional space for each two hundred (200) square feet of floor area over one thousand (1,000) square feet;
- m. Consumer and trade service uses not otherwise specified - One (1) for each employee;
- n. Funeral homes, mortuaries and similar type uses - One (1) for each fifty (50) square feet of floor area in slumber rooms, parlors, or service rooms;
- o. Laundromats - One (1) for every two (2) washing machines;
- p. Administrative, business and professional office uses - One (1) for each two hundred (200) square feet of floor area;
- q. Sit-down restaurants, taverns, night clubs, and similar uses - One (1) for each two (2) persons of capacity;
- r. Retail stores - One (1) for each two hundred (200) square feet of floor area; and,
- s. All other type of business or commercial uses permitted in any business district - One (1) for each one hundred fifty (150) square feet of floor area.

- 14.6.3 Various Recreational and Entertainment Uses Shall Require:
- a. Bowling alleys - Four (4) for each alley or lane; one (1) for each three (3) persons of capacity of the area used for restaurant, cocktail lounge, or similar use; and one (1) for each three (3) employees;
  - b. Dance halls, skating rinks - One (1) for each one hundred (100) square feet of floor area used for the activity; one (1) for each three (3) persons of capacity in a restaurant, snack bar, or cocktail lounge; and one (1) for each three (3) employees;
  - c. Outdoor swimming pools: public, community or club - One (1) for each ten (10) persons of capacity, and one (1) for each three (3) persons of capacity for a restaurant;
  - d. Auditoriums, sport arenas, theaters, and similar uses - One (1) for each four (4) seats;
  - e. Miniature golf courses - Two (2) for each hole and one (1) for each employee;
  - f. Public and Private Golf Courses - Four (4) for each hole and one (1) for each employee, in addition where a restaurant and/or lounge is provided at the facility, one (1) space is required for each three (3) persons of capacity;
  - g. Private clubs and lodges - One (1) for each ten (10) members; and,
  - h. Tennis facilities, racquetball facilities or similar uses - Two for each playing area; one (1) for each employee; and one (1) for each one hundred (100) square feet of other activity area.
- 14.6.4 Various Institutional Uses Shall Require:
- a. Churches and other places of religious assembly - One (1) for each four (4) seats in main assembly room, or one (1) for each classroom, whichever is greater;
  - b. Hospital - One (1) for each three (3) beds;
  - c. Sanitariums, homes for the aged, nursing homes, rest homes, similar uses - One (1) for each three (3) beds;
  - d. Medical and Dental clinics - One (1) for every one hundred (100) square feet floor area; and,
  - e. Libraries, museums, and art galleries - Ten (10), and one (1) for each three hundred (300) square feet floor area in excess of two thousand (2,000) square feet.
- 14.6.5 Various Educational Institution (Public, Parochial, or Private) Uses Shall Require:

- a. Elementary schools, and kindergartens - One (1) for every ten (10) students, one (1) for each additional non-teaching employee, and one (1) for every four (4) seats in auditoriums/ assembly halls;
- b. High schools and middle schools - One (1) for every four (4) students, and one (1) for each teacher and employee, or one (1) for every four (4) seats in auditoriums, assembly areas and sports fields, whichever is greater;
- c. Business, technical institution trade school or college - One (1) for each two (2) students; and,
- d. Child care centers, nursery schools, and similar uses - Four (4) for each classroom.

14.6.6 Various Manufacturing Uses Shall Require:

- a. All types of manufacturing, storage, and wholesale uses permitted in any manufacturing district - One (1) for every employee (on the largest shift for which the building is designed) and one (1) for each motor vehicle maintained on the premises.

**14.7 PARKING AND PASSENGER LOADING FOR PERSONS WITH DISABILITIES**

In accordance with Section 4511.69 of the Ohio Revised Code or in such statute as it may hereafter be amended, all parking facilities serving buildings and facilities within Perry Township are required to be accessible to persons with disabilities and shall comply with the requirements as stated hereafter.

14.7.1 Location - Parking spaces for disabled people and accessible passenger loading zones that serve a particular building shall be the spaces or zones located closest to the nearest accessible entrance on an accessible route. In separate parking structures or lots that do not serve a particular building, parking spaces for disabled people shall be located on the shortest possible circulation route to an accessible pedestrian entrance of the parking facility;

14.7.2 Parking Spaces - Parking spaces for disabled people shall be at least eight (8) feet wide and shall have an adjacent access aisle five (5) feet wide. Parking access aisles shall be part of an accessible route to the building or facility entrance. Two (2) accessible parking spaces may share a common access aisle. Parked vehicle overhangs shall not reduce the clearance width of an accessible circulation route. Parking spaces and access aisles shall be level with surface slopes not exceeding 1:50 in all directions;

14.7.3 The number of signed, designated spaces shall be provided as follows:

<u>Total Spaces in Lot/Structure</u>	<u>Number of Designated Accessible Spaces</u>
Up to 100	1 space per 25 parking spaces
101 to 200	4 spaces, plus one per 50 spaces over 100
201 to 500	6 spaces, plus one per 75 spaces over 200
Over 500	10 spaces, plus one per 100 spaces over 500



- 14.7.4 Signage - Accessible parking spaces shall be designated as reserved for the disabled by a sign showing the symbol of accessibility. Such signs shall not be obscured by a vehicle parked in the space;
- 14.7.5 Passenger Loading Zones - Passenger loading zones shall provide an access aisle at least five (5) feet wide and twenty (20) feet long adjacent and parallel to the vehicle pull-up space. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp with a slope not exceeding 1:20 shall be provided. Vehicle standing spaces and access aisles shall be level with surface slopes not exceeding 1:50 in all directions; and,
- 14.7.6 Vertical Clearance - Provide minimum vertical clearances of one hundred fourteen (114) inches at accessible passenger loading zones and along vehicle access routes to such areas from site entrances.

#### **14.8 ELDERLY HOUSING PARKING**

Each parking space provided for an elderly housing facility shall as a minimum measure ten (10) feet in width and twenty (20) feet in length, with aisles measuring twenty-one (21) feet in width. There shall be provided one (1) such parking space per dwelling unit and per regular shift employee, except that the Board of Zoning Appeals may approve a parking plan for an elderly housing facility which provides three (3) such parking spaces for every four (4) dwelling units and one (1) per regular shift employee if the site plan includes a set-aside of landscaped area which set-aside is not part of any open-space requirement and which is accessible to egress/entrance for parking purposes, should additional parking spaces be deemed necessary by the Board of Zoning Appeals subsequently thereafter.

#### **14.9 OFF-STREET LOADING SPACE REQUIREMENTS**

In any district, for every building or part thereof hereafter erected and having a gross floor area of three thousand (3,000) square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same lot with the building, at least one (1) off-street loading space and one (1) additional loading space for each ten thousand (10,000) square feet or fraction thereof of gross floor area so used in excess of three thousand (3,000) square feet.

#### **14.10 LOADING DOCKS & DESIGN STANDARDS**

A loading dock is an area of a building where goods are loaded and unloaded onto commercial trucks. Loading docks commonly are integrated into the design of commercial and industrial buildings especially warehouses. Loading docks may be exterior, flush with the building envelope or fully enclosed within a building. Loading docks are to be designed to prevent any encroachment or parking on public roads, at any time. There are to be on-site parking signs and/or road markings to warn employees and off street parking areas/restrictions.

#### **14.11 OFF-STREET LOADING DESIGN STANDARDS**

The standards of this article shall be met in all districts whenever any uses are established or building structure is erected, enlarged or increased in capacity. Plans and

specifications showing required off-street loading and parking spaces, including the means of access, ingress, egress, drainage and circulation shall be submitted to the Zoning Inspector. All off-street loading spaces shall be in accordance with the following standards and specifications:

- 14.11.1 Loading Space Dimensions: Each loading space shall have minimum dimensions not less than twelve (12) feet in width, sixty-five (65) feet in length, and a vertical clearance of not less than fourteen (14) feet;
- 14.11.2 Setbacks: Notwithstanding other provisions of this regulation and the Official and Supplementary Schedules of Permitted Uses and Dimensional Requirements, off-street loading spaces may be located in the required rear or side yard of any Commercial or Manufacturing District provided that not more than ninety percent (90%) of the required rear or side yard is occupied, and no part of any loading space shall be permitted closer than fifty (50) feet from any street or alley;
- 14.11.3 Screening: In addition to the setback requirements specified above, screening shall be provided on each side of an off-street loading space that abuts any Residential District. Screening shall comply with the requirements of Section 13.18 of this Resolution;
- 14.11.4 Access & Vehicular Movement: Site Plans shall illustrate expected vehicular path and turning radii of loading/unloading vehicles to demonstrate there are no conflicts with internal circulation, parking and accessory structures. Off-street loading facilities that make it necessary or possible to back directly into a public street shall be prohibited. All maneuvering of trucks and other vehicles shall take place on the site and not within a public right-of-way. All required off-street docks and loading spaces shall have access from a public street or alley in such a manner that any vehicle leaving the premises shall be traveling in a forward motion;
- 14.11.5 Set Backs: All off-street loading dock approaches and spaces, shall be required to accommodate a Double Semitrailer/Trailer (WB-109d) at 114' length without blocking or encroaching onto public road right of ways;
- 14.11.6 Paving: All required off-street loading dock approaches and spaces, except for uses within any I-District, shall be located at least two hundred (200) feet from any Residential District, together with an asphaltic or portland cement binder pavement in order to provide a durable or dust free surface. Where paving is not required, proper dust control measures shall be undertaken and maintained;
- 14.11.7 Drainage: All loading spaces, together with driveways, aisles, and other circulation areas, shall be designed to prevent the excess drainage of surface water on to adjacent properties, walkways or onto the public streets. Arrangements shall be made to ensure acceptable diversion to an adequate storm water drainage system; and,
- 14.11.8 Lighting: Any lights used to illuminate a loading area shall be so arranged as to reflect the light away from adjoining property.

## ARTICLE 15

### SIGNS AND SIGNAGE

#### 15.0 PURPOSE

The purpose of this Article is to encourage the effective use of signs as a means of communication in the Township and to protect property values and the physical appearance of the community. It is intended to protect property values, create a more visually attractive economic climate, as well as to enhance and protect the physical appearance of the community. It is further the intent of this Article to reduce sign or advertising clutter, distraction, and obstructions that may contribute to traffic accidents; to reduce hazards that may be caused by signs overhanging or projecting over public right-of-ways; and to curb the deterioration of the natural environment, and enhance community development by permitting signs which are compatible with their surroundings.

#### 15.1 GOVERNMENTAL SIGN EXCLUDED

For the purpose of this Resolution, "sign" does not include a sign erected and maintained pursuant to and in discharge of any governmental function or required by any law or governmental regulation.

#### 15.2 GENERAL REQUIREMENTS

- 15.2.1 All signs, with the exception of garage sale signs and political signs, shall be permitted only on the property or lot on which the uses or activities they identify are located;
- 15.2.2 Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public thoroughfare, highway, or constitute a traffic hazard or nuisance. No illuminated sign shall be colored to conflict with any highway or railroad stop or warning signal or emergency vehicle. No illuminated advertising sign shall be permitted in a Residential District;
- 15.2.3 No sign shall employ any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention unless it is a sign that performs a public service function indicating time, temperature, stock market quotations, or similar information;
- 15.2.4 All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall require a state electrical permit;
- 15.2.5 No sign shall be placed on the roof of any building, except those signs which have their supporting structure screened so the sign appears to be a continuation of the face of the building;

- 15.2.6 No sign of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving any access to any fire escape;
- 15.2.7 No sign shall be attached to or supported by a tree, trash receptacle, bench, vending machine or public shelter for a period in excess of thirty (30) days;
- 15.2.8 No sign shall be located on a vacant lot, except for the purpose of advertising the lot for sale or lease or for such purpose as the notification of present danger or the prohibition of various uses of property;
- 15.2.9 Should any sign become unsafe, the owner thereof or the person maintaining same shall, upon receipt of written notice from the Zoning Inspector, proceed at once to put such sign in a safe and secure condition or remove the sign within ten (10) days;
- 15.2.10 No vehicle or trailer shall be parked on a business premises or a lot for the purpose of advertising a business, product, service, or the like;
- 15.2.11 No projecting sign shall be erected or maintained from the front or face of a building a distance of more than two (2) feet, including those projecting from the face of any theater, hotel, or motel marquee;
- 15.2.12 No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided in Section 15.3 herein;
- 15.2.13 No sign erected or maintained in the window of a building, visible from any public or private street or highway, shall occupy more than twenty percent (20%) of the window surface;
- 15.2.14 All signs hung and erected shall be plainly marked with the name and telephone number of the person, firm, or corporation responsible for maintaining the sign;
- 15.2.15 No sign shall be placed in any public right-of-way except publicly owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any property; and,
- 15.2.16 No sign shall contain words, images, or graphic illustrations of any obscene or indecent nature.

### **15.3 PERMIT REQUIRED**

- 15.3.1 No person shall locate or maintain any sign, or cause a sign to be located or maintained, unless all provisions of this Article have been met. To assure compliance with these regulations, a sign permit issued pursuant to this Resolution shall be required for each sign unless specifically exempted in this Article;
- 15.3.2 A sign initially approved for which a permit has been issued shall not be modified, altered or replaced, nor shall design elements of any building or lot

upon which such sign is maintained be modified, altered or replaced if any such design element constituted a basis for approval of such sign unless a new or amended permit is obtained consistent with these regulations; and,

- 15.3.3 The repainting, changing of parts and preventive maintenance of signs shall not be deemed alterations requiring a sign permit.

#### **15.4 MEASUREMENT OF SIGN AREA**

The surface area of a sign shall be computed as including the entire area within a regular geometric form or combination of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not being advertising matter shall not be included in computation of surface area.

The sign area for a sign with more than one (1) face shall be computed by adding together the area of all sign faces visible from any one point. When two (2) identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and when such faces are part of the same structure, the sign area shall be computed by the measurement of one (1) of the faces.

#### **15.5 SIGNS WHICH ARE PERMITTED IN ALL DISTRICTS AND WHICH DO NOT REQUIRE A PERMIT**

- 15.5.1 Signs advertising the sale, lease, or rental of the premises upon which the sign is located, provided that such signs do not exceed twelve (12) square feet in area;
- 15.5.2 Signs denoting the name and address of the occupants of the premises, provided such signs do not exceed two (2) square feet in area;
- 15.5.3 Agricultural signs denoting the name of the farm, provided such signs do not exceed twelve (12) square feet in area; and,
- 15.5.4 Signs for a special events are limited to one (1) temporary sign not exceeding thirty-two (32) square feet in area, announcing special or institutional events, the erection of a building, the identity of the building contractor, or signs for similar uses. Such signs shall not be located in the road right-of-way and shall be no more than five (5) feet in height. Such signs shall be removed within two (2) weeks of the completion of the event or project.

#### **15.6 SIGNS WHICH ARE PERMITTED IN ALL DISTRICTS WHICH REQUIRE A PERMIT**

Public schools, churches in existence in June of 1997, and other public uses may erect one (1) sign not larger than thirty-two (32) square feet in area provided that such sign is located on the premises of such institution.

Any sign advertising a commercial enterprise, excluding customary home occupations but including real estate developers or subdividers, in a district zoned residential shall not exceed thirty-two (32) square feet in area and shall advertise only the names of the owners, trade names, products sold and/or the business or activity conducted on the premises where such sign is located.

Nonconforming businesses in existence prior to the effective date of this resolution may erect a sign or signs in accordance with the provisions of this Article which would apply to such business if it were located in a zone in which it is a permitted use.

#### **15.7 LIMITATION**

For the purposes of this Article, outdoor advertising off-premises signs shall be classified as a business use and be permitted in all districts zoned for manufacturing or business or lands used for agricultural purposes. In addition, regulation of signs along interstate and primary highways shall conform to the requirements in Section 5516 of the Ohio Revised Code or in such statute as it may hereafter be amended and the regulations adopted pursuant thereto.

#### **15.8 SIGNS PERMITTED IN COMMERCIAL AND MANUFACTURING DISTRICTS REQUIRING A PERMIT**

The regulations set forth in this Section shall apply to signs in all commercial and manufacturing districts, and such signs shall require a permit.

15.8.1 In a commercial or manufacturing district, each business shall be permitted one (1) flat or wall on-premises sign. Projection of wall signs shall not exceed two (2) feet measured from the face of the main building.

The area of all permanent on-premises signs for any single business enterprise may be an area equivalent to one and one-half (1.5) square feet of sign area for each linear foot of building width, or part of a building, occupied by such enterprise but shall not exceed a maximum area of one hundred (100) square feet; and,

15.8.2 In a commercial or manufacturing district, two (2) off-premises signs with a total area not exceeding six hundred (600) square feet may be permitted at a single location. No single off-premises sign shall exceed one thousand two hundred (1,200) square feet, nor shall off-premises signs visible to approaching traffic have a minimum spacing of less than two hundred (200) feet. Off-premises signs shall conform to all applicable yard and height regulations for the appropriate zoning district, except that such signs intended to be viewed from an elevated highway shall be not more than twenty (20) feet above the level of the roadway at its nearest point. Off-premises wall signs shall have all structural and supporting members concealed from view.

#### **15.9 TEMPORARY SIGNS**

Temporary signs not exceeding thirty-two (32) square feet in area, announcing special public or institutional events, the erection of a building, the architect, the builders, or contractors may be erected. Such temporary signs shall conform to the general requirements listed in Section 15.2, the setback requirements in Sections 15.5 through 15.18 and, in addition, such other standards deemed necessary to accomplish the intent of this Article as stated in Section 15.0.

**15.10 FREESTANDING SIGNS**

One freestanding sign may be erected on a lot with less than two hundred (200) foot frontage, and a maximum of two (2) freestanding signs may be erected on a lot with two hundred (200) or more feet of frontage.

**15.11 DIRECTIONAL SIGNS**

One (1) or more directional signs are permitted on private property. Such signs may be located at, but not in, the road right-of-way. The area of all directional signs shall not exceed twelve (12) square feet.

**15.12 WALL SIGNS PERTAINING TO NONCONFORMING USES**

On-premises wall signs pertaining to a nonconforming use shall be permitted on the same premises of such use, provided the area of such sign does not exceed twelve (12) square feet.

**15.13 SIGN SETBACK REQUIREMENTS**

Except as modified in Sections 15.5 through 15.18, on-premises signs where permitted shall be setback from the established right-of-way line of any thoroughfare at least ten (10) feet. No off-premises sign shall be erected in front of the required setback line for the appropriate zoning district.

**15.14 SETBACKS FOR PUBLIC AND QUASIPUBLIC SIGNS**

Real estate signs and bulletin boards for a church, school or any other public, religious or educational institution may be erected not less than ten (10) feet from the established right-of-way line of any street or highway provided such sign or bulletin board does not obstruct traffic visibility at street or highway intersections.

**15.15 MAINTENANCE**

All signs shall be maintained in safe and sound structural condition at all times and shall be presentable.

**15.16 NONCONFORMING SIGNS AND STRUCTURES**

Advertising signs and structures in existence prior to the effective date of this Resolution which violate or are otherwise not in conformance with the provisions of this Article shall be deemed nonconforming. All such legal nonconforming signs and structures shall be maintained in accordance with this Article. The burden of establishing the legal nonconforming status of any advertising sign or structure shall be upon the owner of the sign or structure.

**15.17 LOSS OF LEGAL NONCONFORMING STATUS**

A legal nonconforming sign shall immediately lose its legal nonconforming status and therefore must be brought into conformance with this Article or be removed if the sign is altered in copy (except for changeable copy signs) or structure, or if it is enlarged, relocated, or replaced, or if it is part of an establishment which discontinues operation for

ninety (90) consecutive days, or if it is structurally damaged to an extent greater than one-half its estimated replacement value. Similarly, any legal nonconforming advertising structure so damaged must be brought into compliance or be removed.

**15.18 VIOLATIONS**

In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this Resolution, the Zoning Inspector shall notify, in writing, the owner or lessee thereof to alter such sign so as to comply with this Resolution. Failure to comply with any of the provisions of this Article shall be deemed a violation and shall be punishable under Article 21 of this Resolution.



## ARTICLE 16

### NONCONFORMITIES

#### 16.0 PURPOSE

Within the districts established by this Resolution, or by amendments thereto which may later be adopted, lots, uses of land, structures, and uses of structures and land in combination exist which were lawful before this Resolution was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Resolution. The legitimate interest of those who lawfully established these nonconformities are herein recognized by providing for their continuance, subject to regulations limiting their completion, restoration, reconstruction, extension, and substitution. Furthermore, nothing contained in this Resolution shall be construed to require any change in the layout, plans, construction, size or use of any lot, structure, or structure and land in combination, for which a zoning permit became effective prior to the effective date of this Resolution, or any amendment thereto. Nevertheless, while it is the intent of this Resolution that such nonconformities be allowed to continue until removed, they should not be encouraged to survive. Therefore, no nonconformity may be moved, extended, altered, expanded, or used as grounds for any other use(s) or structure(s) prohibited elsewhere in the district without the approval of the Board of Zoning Appeals, except as otherwise specifically provided for in this Resolution.

#### 16.1 USES UNDER CONDITIONAL USE PROVISIONS NOT NONCONFORMING USES

Any use which is permitted as a conditional use in a district under the terms of this Resolution shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

#### 16.2 INCOMPATIBILITY OF NONCONFORMITIES

Nonconformities are declared by this Resolution to be incompatible with permitted uses in the districts in which such uses are located. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this Resolution by attachment on a building or premises of additional signs intended to be seen from off the premises or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.

#### 16.3 AVOIDANCE OF UNDUE HARDSHIP

To avoid undue hardship, nothing in this Resolution shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Resolution although nonconforming if completed within one (1) year of the effective date of this Resolution. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently.

**16.4 CERTIFICATES FOR NONCONFORMING USES**

The Zoning Inspector may upon the Inspector's own initiative or shall upon the request of any owner, issue a certificate for any lot, structure, use of land, use of structure or use of land and structure in combination that certifies that the lot, structure or use is a valid nonconforming use. The certificate shall specify the reason why the use is a nonconforming use, including a description of the extent and kind of use made of the property in question, the portion of the structure or land used for the nonconforming use, and the extent that dimensional requirements are nonconforming. The purpose of this section is to protect the owners of lands or structures that are or become nonconforming. No fee shall be charged for such a certificate. One copy of the certificate shall be returned to the owner, and one copy shall be retained by the Zoning Inspector, who shall maintain as a public record a file of all such certificates.

**16.5 SINGLE NONCONFORMING LOTS OF RECORD**

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Resolution, notwithstanding limitations imposed by other provisions of this Resolution. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of requirements listed in Article 13 of this Resolution other than lot area or lot width shall be obtained only through action of the Board of Zoning Appeals as provided in Article 19.

**16.6 NONCONFORMING LOTS OF RECORD IN COMBINATION**

If two (2) or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Resolution, and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Resolution, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Resolution, nor shall any division of any parcel be made which creates a lot with a width or area below the requirement stated in this Resolution.

**16.7 NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND LAND IN COMBINATION**

If a lawful use involving individual structures, or of a structure and land in combination, exists at the effective date of adoption or amendment of this Resolution that would not be allowed in the district under the terms of this Resolution, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 16.7.1 No existing structure devoted to a use not permitted by this Resolution in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;

- 16.7.2 Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Resolution, but no such use shall be extended to occupy any land outside such building;
- 16.7.3 If no structural alterations are made, any nonconforming use of a structure or structure and land in combination may, upon appeal to the Board of Zoning Appeals, be changed to another nonconforming use provided that the Board of Zoning Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other provisions of this Resolution;
- 16.7.4 Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed;
- 16.7.5 When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), the structure, or structure and land in combination, shall not hereafter be used except in conformity with the regulations of the district in which it is located; and,
- 16.7.6 Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

## **16.8 TERMINATION OF NONCONFORMING USES**

When any nonconforming use is discontinued or abandoned for more than two (2) years, any new use shall not thereafter be used except in conformity with the regulations of the district in which it is located, and the nonconforming use may not thereafter be resumed. The intent to continue a nonconforming use shall not be evidence of its continuance.

## **16.9 TERMINATION OF USE BY DAMAGE OR DESTRUCTION**

In the event that any nonconforming building or structure is destroyed by any means to the extent of more than fifty percent (50%) of the cost of replacement of such structure, exclusive of foundation, it shall not be rebuilt, restored, or reoccupied for any use unless it conforms to all regulations of this Resolution. When such a nonconforming structure is damaged or destroyed to the extent of fifty percent (50%) or less of the replacement cost, no repairs or rebuilding shall be permitted except in conformity with all applicable regulations of this Resolution and the following conditions:

- 16.9.1 A Zoning Certificate pertaining to such restoration shall be applied for and issued within one (1) year of such destruction, and building shall be diligently pursued to completion; and,

16.9.2 Such restoration shall not cause a new nonconformity, nor shall it increase the degree of nonconformance or noncompliance existing prior to such damage or destruction.

#### **16.10 REPAIRS AND MAINTENANCE**

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became nonconforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety upon order of such official. Where appropriate, a building permit for such activities shall be required.

## ARTICLE 17

### PROCEDURES AND REQUIREMENTS FOR CONDITIONAL USE PERMITS; SUBSTANTIALLY SIMILAR USES; ACCESSORY USES

#### 17.0 **GENERAL**

The provisions of Sections 17.0 through 17.22 inclusive of this Resolution apply to the location and maintenance of any and all conditional uses.

#### 17.1 **PURPOSE**

In recent years, the characteristics and impacts of an ever-increasing number of new and unique uses, together with the broadening of numerous conventional uses, have fostered the development of more flexible regulations designed to accommodate these activities in a reasonable and equitable manner, while safeguarding both the property rights of all individuals and the health, safety, and general welfare of the community. Toward these ends, it is recognized that this Resolution should provide for more detailed evaluation of each use conditionally permissible in a specific district with respect to such considerations as location, design, size, method(s) of operation, intensity of use, public facilities requirements, and traffic generation. Accordingly, conditional use permits shall conform to the procedures and requirements of Sections 17.2 through 17.10 of this Resolution.

#### 17.2 **CONTENTS OF CONDITIONAL USE PERMIT APPLICATION**

Any owner, or agent thereof, of property for which a conditional use is proposed shall make an application for a Conditional Use Permit by filing with the Zoning Inspector, who shall within seven (7) days transmit it to the Board of Zoning Appeals. Such application at a minimum shall contain the following information:

- 17.2.1 Name, address and phone number of applicant;
- 17.2.2 Legal description of the property;
- 17.2.3 Zoning district;
- 17.2.4 Description of existing use;
- 17.2.5 Description of proposed conditional use;
- 17.2.6 A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, streets and traffic accesses, open spaces, refuse and service area, utilities, signs, yards, landscaping features, and such other information as the Board of Zoning Appeals may require;
- 17.2.7 A narrative statement discussing the compatibility of the proposed use with the existing uses of adjacent properties and with the comprehensive plan to include an evaluation of the effects on adjoining properties of such elements as traffic circulation, noise, glare, odor, fumes, and vibration;

- 17.2.8 A list containing the names, phone numbers, and mailing addresses of all owners of property within five hundred (500) feet of the property in question;
- 17.2.9 A fee as established by a Resolution of the Board of Trustees; and,
- 17.2.10 A narrative addressing each of the applicable criteria contained in Section 17.3.

**17.3 GENERAL STANDARDS FOR ALL CONDITIONAL USES**

In addition to the specific requirements for conditionally permitted uses as specified in Section 17.4, the Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

- 17.3.1 Is in fact a conditional use as established under the provisions of Articles 3 through 11 inclusive and appears on the Schedule of District Regulations adopted for the zoning district involved;
- 17.3.2 Will be in accordance with the general objectives, or with any specific objective, of the Township's comprehensive plan and/or the Zoning Resolution;
- 17.3.3 Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
- 17.3.4 Will not be hazardous or disturbing to existing or future neighboring uses;
- 17.3.5 Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
- 17.3.6 Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- 17.3.7 Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;
- 17.3.8 Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares; and,
- 17.3.9 Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

## **17.4 SPECIFIC CRITERIA FOR CONDITIONAL USES**

The following are specific conditional use criteria and requirements for those uses conditionally permitted in this Resolution or as provided for hereafter. Nothing in this section shall prohibit the Board of Zoning Appeals from prescribing supplementary conditions and safeguards in addition to these requirements in accordance with Article 17.

### **17.4.1 Public Service Facility:**

- a. All permanent buildings shall be constructed and designed so as to conform with the setback and building design of existing uses in the district; and,
- b. Screening and plantings to buffer any structures from adjacent residential uses are required.

### **17.4.2 Church:**

- a. The lot area shall be adequate to accommodate the required off-street parking requirements of the church;
- b. The church building shall be setback from any adjacent residential property line a minimum of fifty (50) feet; and,
- c. A cemetery shall not be a permitted use in conjunction with the church unless it meets the criteria of Section 17.4.3 of this Resolution.

### **17.4.3 Cemetery:**

- a. The site shall have direct access to a major thoroughfare which the Board of Zoning Appeals determines is adequate to serve the size of the facility proposed;
- b. Any new cemetery shall be located on a site containing not less than twenty-five (25) acres;
- c. All buildings, including but not limited to mausoleums and maintenance buildings, shall not be located within one hundred (100) feet of any property line; and,
- d. All graves or burial lots shall be setback not less than fifty (50) feet from any property line, and fifty (50) feet from any road right-of-way.

### **17.4.4 Attorney, Architect, Accountant, Engineer, Insurance Agency, Real Estate, Tax Preparation Service, Bookkeeping Service Offices, and Similar Uses:**

- a. Parking spaces shall be provided as required in this Resolution, provided that the Board of Zoning Appeals may increase the number of required spaces on the basis of the nature of the office and on the basis of generally known parking conditions in the neighborhood;

- b. The design, location, and surface of the parking area shall be subject to approval of the Board of Zoning Appeals so as to reduce congestion, promote safety, and to reduce the impact on the residential character of the neighborhood; and,
- c. One (1) sign, not exceeding four (4) square feet in area and mounted flush against the building, shall be permitted.

17.4.5 Veterinary Clinic, Kennel and Similar Uses:

- a. Outdoor pens and exercise runs shall be kept in a clean and sanitary condition and shall be screened from public view. A screening plan shall be submitted to the Board of Zoning Appeals for approval;
- b. Sanitation practices shall be adequate to ensure that objectionable odors shall not be noticeable on or off the lot considering various wind conditions;
- c. The applicant shall submit a written statement showing the measures and practices which will be utilized to reduce the noise level in the design of the building and the management or rotation of animals in outdoor exercise runs; and,
- d. No dead animals shall be buried on the premises, and no incineration of dead animals shall be permitted.

17.4.6 Child Day-Care Center/Type A Family Day-Care Home:

- a. Outdoor playgrounds, tot lots, exercise areas, etc., shall be fully enclosed by a fence, the height and design which shall be approved by the Board of Zoning Appeals;
- b. The applicant shall submit a parking and traffic circulation plan to the Board of Zoning Appeals for approval. The design, location, and surface of the parking areas and vehicular approaches shall be subject to approval by the Board of Zoning Appeals so as to reduce congestion, promote safety, and reduce the impact on the residential character of the neighborhood. The plan shall provide for the separation of incoming and outgoing vehicles during high volume periods and shall provide a safe drop-off point for children that will not impede other traffic; and,
- c. One sign, not exceeding four (4) square feet in area and mounted flush against the building, shall be permitted.

17.4.7 Funeral Home:

- a. The buildings shall be designed so as to conform with the architectural character of the residential neighborhood; and,
- b. The applicant shall submit a parking and traffic circulation plan to the Board of Zoning Appeals for approval. The design, location, and surface of the parking areas and vehicular approaches shall be subject to approval by the Board of Zoning Appeals so as to reduce congestion,



promote safety, and reduce the impact on the residential character of the neighborhood. The plan shall provide for the separation of incoming and outgoing vehicles during high volume periods and shall provide a safe drop-off point for visitors that will not impede other traffic.

17.4.8 Tourist Home, Bed/Breakfast Home:

- a. No more than two (2) adults shall occupy each sleeping room. Children under twelve (12) years of age are permitted in the same occupancy provided that no more than five (5) persons occupy one (1) room;
- b. All applicable provisions of the fire code shall be met, and certification of such compliance by the appropriate official shall accompany the application;
- c. The facility shall be operated so that guests reside at the home for not longer than one (1) continuous week; and,
- d. The facility shall contain not more than four (4) sleeping rooms for guests.

**17.5 PUBLIC HEARING**

The Board of Zoning Appeals shall hold a public hearing within thirty (30) days after it receives an application for a Conditional Use Permit submitted by an applicant through the Zoning Inspector.

**17.6 NOTICE OF PUBLIC HEARING**

Before conducting the public hearing required in Section 17.5, notice of such hearing shall be given in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the hearing and shall provide a summary explanation of the conditional use proposed.

**17.7 NOTICE TO PARTIES OF INTEREST**

Prior to conducting the public hearing required in Section 17.5, written notice of such hearing shall be mailed by the Chairman of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the date of the hearing to all parties of interest, to include all property owners listed in the application. The notice shall contain the same information as required in Section 17.6 for notices published in newspapers.

**17.8 ACTION BY THE BOARD OF ZONING APPEALS**

Within thirty (30) days after the date of the public hearing required in Section 17.5, the Board of Zoning Appeals shall take one of the following actions:

- 17.8.1 Approve issuance of the Conditional Use Permit by making an affirmative finding in writing that the proposed conditional use is to be located in a district wherein such use may be conditionally permitted, that all conditions for approval of such use in such district have been met, and that such use will neither result in significant negative impacts upon nor conflict with surrounding uses. Such written finding may also prescribe supplementary

conditions and safeguards as specified in Section 18.9. Upon making an affirmative finding, the Board shall direct the Zoning Inspector to issue a Conditional Use Permit for such use which shall list all conditions and safeguards specified by the Board of Zoning Appeals for approval;

17.8.2 Make a written finding that the application is deficient in information or is in need of modification and is being returned to the applicant. Such finding shall specify the information and/or modifications which are deemed necessary; or,

17.8.3 Make a written finding that the application is denied, such finding specifying the reason(s) for disapproval. If an application is disapproved by the Board of Zoning Appeals, the applicant may seek relief through the Court of Common Pleas. Appeals of Board decisions shall be made in the manner specified in Articles 18 and 20.

#### **17.9 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS**

In granting approval for any conditional use, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformance with this Resolution. Any violation of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a punishable violation of this Resolution.

#### **17.10 EXPIRATION OF CONDITIONAL USE PERMIT**

A Conditional Use Permit shall be deemed to authorize only one (1) particular conditional use, and said permit shall automatically expire if such conditionally permitted use has not been instituted or utilized within one (1) year of the date on which the permit was issued, or if for any reason such use shall cease for more than one (1) year. Not valid for ten (10) days from date of issue.

#### **17.11 PROCEDURE AND REQUIREMENTS TO DETERMINE THAT A USE IS SUBSTANTIALLY SIMILAR**

Where a specific use is proposed that is not listed or provided for in this Resolution, the Board of Zoning Appeals may make a determination, upon appeal, that the proposed use is substantially similar to a specific use that is listed or provided for in this Resolution. If the Board finds that a use is substantially similar to a specific use listed in this Resolution, the substantially similar use is deemed to be a substantially similar permitted use in those districts where the specific use is a permitted use and a substantially similar conditional use in those districts where the specific use is a conditionally permitted use.

In formulating a determination that a proposed use is a substantially similar use, the Board of Zoning Appeals shall follow the procedures relating to appeals and variances as specified in Section 17.4 of this Resolution. Upon making a determination that a proposed use is substantially similar, the Board shall notify the Township Trustees of its decision and shall include in its written findings the reasoning upon which the decision is based. Unless the decision is rejected within thirty (30) days of its receipt by the Township Trustees, such substantially similar use determination by the Board shall become effective.

#### **17.12 REMEDY BY APPLICATION FOR AMENDMENT**

If the Board of Zoning Appeals determines that a proposed use is not substantially similar, such determination shall not be appealed to the Township Trustees, but remedy may be sought by the appellant through the submission of an application for amendment as prescribed in Article 20.

#### **17.13 STANDARDS FOR CONSIDERATION OF SUBSTANTIALLY SIMILAR USES**

The following standards shall be considered by the Board of Zoning Appeals when making a determination that a use is substantially similar to a permitted or a conditional use within a specific district:

- 17.13.1 The compatibility of the proposed use with the nature and scope of adjacent uses;
- 17.13.2 The nature, predominant characteristics, and intensity of the proposed use in relation to those uses specified by this Resolution as being permitted, or in the case of a conditional use, conditionally permitted in that district; and,
- 17.13.3 The size, dimensional requirements, parking requirements, traffic generation potential, and other regulatory considerations normally associated with uses as specified in this Resolution.

#### **17.14 EFFECT OF DETERMINATION THAT A USE IS SUBSTANTIALLY SIMILAR**

Should a use be determined to be substantially similar to a specific permitted or conditionally permitted use provided for in this Resolution, it shall then be permitted in the same manner and under the same conditions and procedures as the use is permitted to which it has been found to be substantially similar.

#### **17.15 RECORD OF SUBSTANTIALLY SIMILAR USES**

The Zoning Inspector shall maintain as a public record a listing of all uses which have been determined to be substantially similar. For each such use the record shall include the use as listed in the Resolution, the use unlisted in the Resolution about which the determination of substantial similarity was made, and the dates of any actions thereupon by the Board of Zoning Appeals or the Township Trustees. This record shall also contain the same information for all uses which have been determined not to be substantially similar. The Zoning Inspector shall consult this record in the process of issuing future permits.

#### **17.16 REGULATION OF ACCESSORY USES**

The provisions of Sections 17.16 through 17.22 inclusive of this Resolution shall apply to the location and maintenance of accessory uses as herein defined.

#### **17.17 PURPOSE**

It is the purpose of Sections 17.16 through 17.22 inclusive of this Resolution to regulate accessory uses in order to promote the public health, safety, and welfare. It is the intent of these sections to permit such uses to be established and maintained in a manner which makes them compatible with principal uses and harmonious with uses upon adjacent properties.

**17.18 DEFINITION**

"Accessory Use" means a use, object, or structure constructed or installed on, above, or below the surface of a parcel, which is located on the same lot as a principal use, object, or structure, and which is subordinate to or serves the principal use, object, or structure, is subordinate in area to the principal use, object, or structure, and is customarily incidental to the principal use, object, or structure. Among other things, "Accessory Use" includes anything of a subordinate nature attached to or unattached from a principal structure or use, such as fences, walls, sheds, garages, parking places, decks, poles, poster panels, and billboards. Except as otherwise required in this Resolution, an accessory use shall be a permitted use.

**17.19 GENERAL REQUIREMENTS**

Except as otherwise provided in this Resolution, an accessory use or structure shall be permitted in association with a principal use or structure provided that:

- 17.19.1 It shall not contain or be used as a dwelling unit;
- 17.19.2 It shall not exceed the height requirements of the principal use; and,
- 17.19.3 It shall meet all yard requirements of the principal use.

**17.20 DWELLINGS AS ACCESSORY USES**

Dwellings may be accessory uses in residential districts if located inside the principal home or if detached as a garage apartment only if used as a residence by relatives or household servants and no rent is charged. Mobile home trailers shall not be permitted as accessory uses.

**17.21 ACCESSORY ELDERLY DWELLING UNIT**

Notwithstanding the provisions of Sections 13.1 through 13.3 of this Resolution, an owner-occupied single-family dwelling unit may be converted to allow the incorporation of one (1) additional dwelling unit for the exclusive occupancy of an elderly household, a member of which shall be an elderly person related to the owner of the single-family dwelling unit. Such accessory elderly dwelling unit shall be wholly contained within the existing principal building or shall be attached to it by a common wall, floor or ceiling. The application for the zoning permit for such conversion shall be accompanied by an affidavit attesting to the owner's present occupancy of the dwelling unit and to the age and relationship of the elderly person.

**17.22 RETAIL SALES AND SERVICES AS ACCESSORY USES**

Retail sales and services are permitted as accessory uses when clearly incidental to the principal use. With the exception of restaurants in conjunction with a motel, such uses shall be conducted wholly within the principal building. No exterior advertising or displays are permitted. These activities shall be conducted solely for the convenience of the employees, patients, patrons, students or visitors and not for the general retail public. In hospitals and clinics these accessory uses may include drug stores, florists, gift and book shops, restaurants, cafeterias and coffee shops, lounges, and beauty and barber shops.

## ARTICLE 18

### PROCEDURES AND REQUIREMENTS FOR APPEALS AND VARIANCES

#### 18.0 GENERAL

Appeals and variances shall conform to the procedures and requirements of Sections 18.1 through 18.11.8 inclusive of this Resolution. As specified in Article 18, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

#### 18.1 APPEALS

Pursuant to 519.15 of the Ohio Revised Code or as in such statute as it may hereafter be amended, appeals to the Board of Zoning Appeals concerning interpretation or administration of this Resolution may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Township affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing, with the Zoning Inspector and with the Board of Zoning Appeals, a Notice of Appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed was taken.

#### 18.2 STAY OF PROCEEDINGS

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Inspector from whom the appeal is taken certifies to the Board of Zoning Appeals after the Notice of Appeal is filed with the Inspector, that by reason of facts stated in the application, a stay would, in the Inspector's opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application on notice to the Zoning Inspector from whom the appeal is taken on due cause shown.

#### 18.3 VARIANCES

The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this Resolution as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Resolution would result in unnecessary hardship. No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this Resolution would result in unnecessary hardship.

#### 18.4 APPLICATION AND STANDARDS FOR VARIANCES

Except as otherwise permitted in this Resolution, no variance in the strict application of the provisions of this Resolution shall be granted by the Board of Zoning Appeals unless the Board shall find that the written application for the requested variance contains all of the following requirements:

- 18.4.1 Name, address, and phone number of applicant(s);
- 18.4.2 Legal description of property;
- 18.4.3 Description or nature of variance requested;
- 18.4.4 A fee as established by Resolution; and,
- 18.4.5 Narrative statements establishing and substantiating that the variance conforms to the following standards:
  - a. The granting of the variance shall be in accord with the general purpose and intent of the regulations imposed by this Resolution on the district in which it is located and shall not be injurious to the area or otherwise detrimental to the public welfare;
  - b. The granting of the variance will not permit the establishment of any use which is not otherwise permitted in the district;
  - c. There must exist special circumstances or conditions, fully described in the findings, applicable to the land or buildings for which the variance is sought, which are peculiar to such land or buildings and do not apply generally to land or buildings in the area, and which are such that the strict application of the provisions of this Resolution would deprive the applicant of the reasonable use of such land or building. Mere loss in value shall not justify a variance; there must be deprivation of beneficial use of land;
  - d. There must be proof of hardship created by the strict application of this Resolution. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created, nor can it be established on this basis by one who purchases with or without knowledge of the restrictions; it must result from the application of this Resolution; it must be suffered directly by the property in question; and evidence of variances granted under similar circumstances need not be considered;
  - e. The granting of the variance is necessary for the reasonable use of the land or building, and the variance as granted is the minimum variance that will accomplish this purpose;
  - f. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values of the adjacent area; and,
  - g. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

**18.5 ADDITIONAL CONDITIONS AND SAFEGUARDS**

The Board of Zoning Appeals may further prescribe any conditions and safeguards that it deems necessary to ensure that the objectives of the regulations or provisions to which the variance applies will be met. Any violation of such conditions and safeguards, when they have been made a part of the terms under which the variance has been granted, shall be deemed a punishable violation under this Resolution.

**18.6 PUBLIC HEARING BY THE BOARD OF ZONING APPEALS**

The Board of Zoning Appeals shall hold a public hearing within thirty (30) days after the receipt of an application for an appeal or variance from the Zoning Inspector or an applicant.

**18.7 NOTICE OF PUBLIC HEARING IN NEWSPAPER**

Before conducting the public hearing required in Section 18.6, notice of such hearing shall be given in a newspaper of general circulation in the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing and the nature of the proposed appeal or variance.

**18.8 NOTICE TO PARTIES OF INTEREST**

Pursuant to 519.15 of the Ohio Revised Code or as in such statute as it may hereafter be amended, before conducting the public hearing required in Section 18.6, written notice of such hearing shall be mailed by the Chairman of the Board of Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties of adjoining properties. The notice shall contain the same information as required of notices published in newspapers as specified in Section 18.7.

**18.9 ACTION BY BOARD OF ZONING APPEALS**

Within thirty (30) days after the public hearing required in Section 18.6, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 18.5, or disapprove the request for appeal or variance. The Board of Zoning Appeals shall further make a finding in writing that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building or structure. Appeals from Board’s decision shall be made in the manner specified in Section 20.6.

**18.10 TERM OF VARIANCE**

No order of the Board of Zoning Appeals granting a variance shall be valid for a period longer than twelve (12) months from the date of such order unless the building permit or zoning approval is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period.

**18.11 AUTHORIZED VARIANCES**

Variations from the regulations of this Resolution shall not be granted unless the Board of Zoning Appeals makes specific findings of fact, based directly on the particular evidence presented to it, which support conclusions that the standards and conditions

imposed in Section 18.4, and Section 18.5 if applicable, have been met by the applicant. Variances may be granted as guided by the following:

- 18.11.1 To permit any yard or setback less than the yard or setback required by the applicable regulations;
- 18.11.2 To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots but should not be less than eighty percent (80%) of the required area and width;
- 18.11.3 To permit the same off-street parking facility to qualify as required facilities for two (2) or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week;
- 18.11.4 To reduce the applicable off-street parking or loading facilities required, but generally by not more than thirty percent (30%) of the required facilities;
- 18.11.5 To allow for the deferment of required parking facilities for a reasonable period of time, such period of time to be specified in the variance;
- 18.11.6 To increase the maximum distance that required parking spaces are permitted to be located from the use served, but generally not more than forty percent (40%);
- 18.11.7 To increase the maximum allowable size or area of signs on a lot, but generally by not more than twenty-five percent (25%); and,
- 18.11.8 To increase the maximum gross floor area of any use so limited by the applicable regulations, but generally not more than twenty-five percent (25%).



## ARTICLE 19

### AMENDMENTS TO THE ZONING RESOLUTION AND/OR THE ZONING MAP

#### 19.0 GENERAL

This Resolution and the Zoning Map may be amended by utilizing the procedures specified in Sections 19.1 through 19.13 inclusive of this Resolution.

#### 19.1 PURPOSE

Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Board of Township Trustees may by resolution, after receipt of recommendation thereon from the Zoning Commission and subject to the procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property.

#### 19.2 INITIATION OF ZONING AMENDMENTS

Amendments to this Resolution may be initiated in one of the following ways:

- 19.2.1 By adoption of a motion by the Zoning Commission;
- 19.2.2 By adoption of a resolution by the Board of Township Trustees; or,
- 19.2.3 By the filing of an application by at least one (1) owner or lessee of property within the area proposed to be changed or affected by said amendment.

#### 19.3 CONTENTS OF APPLICATION FOR ZONING MAP AMENDMENT

Applications for amendments to the official Zoning Map adopted as part of this Resolution by Article 3 and Articles 5 through 11 shall contain at least the following information:

- 19.3.1 The name, address, and telephone number of applicant;
- 19.3.2 A statement of the reason(s) for the proposed amendment;
- 19.3.3 Present use;
- 19.3.4 Present zoning district;
- 19.3.5 Proposed use;
- 19.3.6 Proposed zoning district;
- 19.3.7 A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Inspector may require;

- 19.3.8 A list of all property owners, their telephone numbers, and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case, except that telephone numbers and addresses need not be included where more than ten (10) parcels are to be rezoned;
- 19.3.9 A statement on the ways in which the proposed amendment relates to the comprehensive plan; and,
- 19.3.10 A fee as established by resolution of the Board of Township Trustees.

**19.4 CONTENTS OF APPLICATION FOR ZONING TEXT AMENDMENT**

Application for amendments proposing to change, supplement, amend, or repeal any portion(s) of this Resolution, other than the official Zoning Map, shall contain at least the following information:

- 19.4.1 The name, address, and telephone number of the applicant;
- 19.4.2 The proposed amending resolution;
- 19.4.3 A statement of the reason(s) for the proposed amendment;
- 19.4.4 A statement explaining the ways in which the proposed amendment relates to the comprehensive plan; and,
- 19.4.5 A fee as established by resolution of the Board of Township Trustees.

**19.5 TRANSMITTAL TO ZONING COMMISSION**

Immediately after the adoption of a resolution by the Board of Township Trustees or the filing of an application by at least one (1) owner or lessee of property, said resolution or application shall be transmitted to the Zoning Commission.

**19.6 SUBMISSION TO LIMA-ALLEN COUNTY REGIONAL PLANNING COMMISSION**

Pursuant to 519.12 of the Ohio Revised Code or as in such statute as may hereafter be amended, within five (5) days after the adoption of a motion by the Zoning Commission, transmittal of a resolution by the Board of Township Trustees, or the filing of an application by at least one (1) owner or lessee, the Zoning Commission shall transmit a copy of such motion, resolution, or application, together with the text and map pertaining to the case in question, to the Lima-Allen County Regional Planning Commission. The Lima-Allen County Regional Planning Commission shall recommend the approval or denial of the proposed amendment or the approval of some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission.

**19.7 PUBLIC HEARING BY ZONING COMMISSION**

Pursuant to 519.12 of the Ohio Revised Code or as in such statute as it may hereafter be amended, the Zoning Commission shall schedule a public hearing after the adoption of their motion, the transmittal of a resolution from the Board of Township Trustees, or

the filing of an application for zoning amendment. Said hearing shall be not less than twenty (20) nor more than forty (40) days from the date of adoption of such motion, transmittal of such resolution, or filing of such application.

**19.8 NOTICE OF PUBLIC HEARING IN NEWSPAPER**

Before holding the public hearing as required in Section 19.7, notice of such hearing shall be given by the Zoning Commission by at least one (1) publication in one (1) or more newspapers of general circulation in Perry Township at least ten (10) days before the date of said hearing. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment, and a statement that after the conclusion of such public hearing the matter will be referred to the Board of Township Trustees for further determination.

**19.9 NOTICE TO PROPERTY OWNERS BY ZONING COMMISSION**

If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least ten (10) days before the date of the public hearing, to all owners of property within, contiguous to, and directly across the thoroughfare from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the Board of Township Trustees. The notice shall contain the same information as required of notices published in newspapers as specified in Section 19.8. The failure to deliver the notice to property owners, as provided herein, shall not invalidate any such amendment.

**19.10 RECOMMENDATION BY ZONING COMMISSION**

Within thirty (30) days after the public hearing required by Section 19.7, the Zoning Commission shall recommend to the Board of Township Trustees that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be not granted. The written decision of the Zoning Commission shall indicate the specific reason(s) upon which the recommendation is based to include the basis for their determination that the proposed amendment is or is not consistent with the comprehensive plan.

**19.11 PUBLIC HEARING BY BOARD OF TOWNSHIP TRUSTEES**

Within thirty (30) days from the receipt of the recommendation of the Zoning Commission, the Board of Township Trustees shall hold a public hearing. Notice of such public hearing in a newspaper of general circulation shall be given by the Board of Township Trustees as specified in Section 19.8.

**19.12 ACTION BY BOARD OF TOWNSHIP TRUSTEES**

Within twenty (20) days after the public hearing required by Section 19.11, the Board of Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Board of Township Trustees denies or modifies the recommendation of the Commission, the unanimous vote of the Board of Township Trustees is required.

**19.13 EFFECTIVE DATE AND REFERENDUM**

Such amendment adopted by the Board of Township Trustees shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment there is presented to the Board of Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the Township or part thereof included in the unincorporated area of Perry Township equal to not less than eight percent (8%) of the total vote cast for all candidates for Governor in such area at the last preceding general election at which a Governor was elected, requesting the Board of Township Trustees to submit the amendment to the electorate of such area, for approval or rejection, at the next primary or general election.

**ARTICLE 20**  
**ADMINISTRATION**

**20.0 PURPOSE**

This Article sets forth the powers and duties of the Zoning Commission, Board of Zoning Appeals, Board of Township Trustees, and the Zoning Inspector with respect to the administration of the provisions of this Resolution.

**20.1 GENERAL PROVISIONS**

The formulation, administration and enforcement of this Resolution are hereby vested in the following offices and bodies:

- 20.1.1 Zoning Inspector (See Section 20.2);
- 20.1.2 Zoning Commission (See Section 20.4);
- 20.1.3 Board of Zoning Appeals (See Section 20.6); and,
- 20.1.4 Township Trustees. (See Section 20.7)

**20.2 ZONING INSPECTOR**

A Zoning Inspector designated by the Board of Township Trustees shall administer and enforce this Resolution. Assistance may be provided by such other persons as the Board of Township Trustees may authorize and direct.

**20.3 RESPONSIBILITIES OF ZONING INSPECTOR**

For the purpose of this Resolution the Zoning Inspector shall have the following duties:

- 20.3.1 Enforce the provisions of this Resolution and interpret the meaning and application of its provisions;
- 20.3.2 Respond to questions concerning applications for amendments to the Zoning Resolution text and the Official Zoning District Map;
- 20.3.3 Issue zoning permits and zoning certificates as provided by this Resolution and keep a record of same with a notation of any special conditions involved;
- 20.3.4 Act on all applications upon which the Inspector is authorized to act by the provisions of this Resolution within the specified time or notify the applicant in writing of such refusal or disapproval of said application and the reasons therefore. Failure to notify the applicant in case of such refusal or disapproval within the specified time shall entitle the applicant to submit the request to the Board of Zoning Appeals;
- 20.3.5 Conduct inspections of buildings and uses of land to determine compliance with this Resolution and, in the case of any violation, to notify in writing the

person(s) responsible specifying the nature of the violation and ordering corrective action;

- 20.3.6 Maintain in current status the Official Zoning District Map, which shall be kept on permanent display in the township office;
- 20.3.7 Maintain permanent and current records required by Resolution, including but not limited to zoning permits, occupancy permits, zoning certificates, inspection documents, and records of all variances, amendments and special uses;
- 20.3.8 Make such records available for the use of the Township Trustees, the Zoning Commission, the Board of Zoning Appeals, and the public;
- 20.3.9 Review and approve site plans pursuant to this Resolution;
- 20.3.10 Determine the existence of any violations of this Resolution and cause such notifications, revocation notices, stop orders, or tickets to be issued, or initiate such other administrative or legal action as needed to address such violations; and,
- 20.3.11 Prepare and submit reports to the Township Trustees and Zoning Commission on the administration of this Resolution, setting forth such information as may be of interest and value in advancing and furthering the purpose of this Resolution. Such reports shall include recommendations concerning the schedule of fees.

#### **20.4 TOWNSHIP ZONING COMMISSION**

A Zoning Commission, designated by the Board of Township Trustees, shall assist in the amendment, interpretation, administration and enforcement of this Resolution. The Zoning Commission may, within the limits appropriated by the Board of Township Trustees, employ or contract with such planning consultants and other assistants as it deems necessary.

The Zoning Commission shall be composed of five (5) members who reside in the unincorporated area of the township. The terms of the members shall be of such length and so arranged that the term of one (1) member will expire each year. Each member shall serve until a successor is appointed and qualified. Vacancies shall be filled by the Board of Trustees and shall be for the unexpired term.

#### **20.5 RESPONSIBILITIES OF THE ZONING COMMISSION**

For the purpose of this Resolution the Zoning Commission shall have the following duties:

- 20.5.1 Recommend the proposed Zoning Resolution, including text and Official Zoning District Map representing the recommendations of the Zoning Commission to the Board of Township Trustees for formal adoption.

- 20.5.2 Initiate advisable Official Zoning District Map changes or changes in the text of this Resolution where same will promote the best interest in of the public in general.
- 20.5.3 Carry on a continuous review of the effectiveness and appropriateness of this Resolution and recommend such changes or amendments as it feels would be appropriate.

**20.6 BOARD OF ZONING APPEALS**

The Board of Township Trustees shall appoint a Township Board of Zoning Appeals of five members who shall be residents of the unincorporated territory within the township. The terms of all members shall be so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed and qualified. The Board of Zoning Appeals may, within the limits of the moneys appropriated by the Board of Township Trustees for the purpose, employ such executives, professional, technical, and other assistance as it deems necessary.

**20.7 RESPONSIBILITIES OF THE BOARD OF ZONING APPEALS**

For the purpose of this Resolution the Township Board of Zoning Appeals shall have the following duties:

- 20.7.1 Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official;
- 20.7.2 Authorize upon appeal, in specific cases, such variance from the terms of the Zoning Resolution as will not be contrary to the public interest;
- 20.7.3 Grant conditional zoning certificates for the use of land, buildings, or other structures if such certificates for specific uses are provided for in the Zoning Resolution; and,
- 20.7.4 Revoke an authorized variance or conditional use certificate if any condition of the variance or certificate is violated.

**20.8 DUTIES OF ZONING INSPECTOR, BOARD OF ZONING APPEALS, LEGISLATIVE AUTHORITY AND COURTS ON MATTERS OF APPEAL**

It is the intent of the Resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Board shall be to the courts as provided by law. It is further the intent of this Resolution that the duties of the Board of Township Trustees in connection with this Resolution shall not include hearing and deciding questions of interpretation and enforcement stated in this section and this Resolution. Under this Resolution the Board of Township Trustees shall only have the duties of considering and adopting or rejecting proposed amendments or the repeal of schedule of fees and charges as stated in Section 20.10 of this Resolution. Nothing in this Resolution shall be interpreted to prevent any official of the Township from appealing a decision of the Board to the courts as provided in Chapters 2505 and 2506 of the Ohio

Revised Code or in such statute as it may hereafter be amended. Any such appeal shall be made within ten (10) days of the Board's written decision.

**20.9 BOARD OF TOWNSHIP TRUSTEES**

The powers and duties of the Township Trustees pertaining to the Zoning Resolution are as follows:

- 20.9.1 Approve the appointments of members to the Zoning Commission;
- 20.9.2 Approve the appointments of members to the Board of Zoning Appeals;
- 20.9.3 Initiate or act upon suggested amendments to the Zoning Resolution text or Official Zoning District Map. Final action upon a suggested zoning amendment shall be undertaken at a public hearing; and,
- 20.9.4 Override a written recommendation of the Zoning Commission on a text or map amendment provided that such legislative action is passed by a unanimous vote of the Township Trustees.

**20.10 SCHEDULE OF FEES**

The Board of Township Trustees shall by Resolution establish a schedule of fees for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals, and other procedures and services pertaining to the administration and enforcement of this Resolution after considering the recommendations of the Zoning Inspector with respect to actual administrative costs, both direct and indirect. The schedule of fees shall be posted in the office of the Zoning Inspector and may be altered or amended only by the Board of Township Trustees. Until all such appropriate fees, charges, and expenses have been paid in full, no action shall be taken on any application, appeal, or administrative procedure.



**ARTICLE 21**  
**ENFORCEMENT**

**21.0 GENERAL**

This Article stipulates the procedures to be followed in obtaining permits, certificates, and other legal or administrative approval under this Resolution.

**21.1 ZONING PERMITS REQUIRED**

No building or other structure shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a permit therefore issued by the Zoning Inspector. Zoning permits shall be issued only in conformity with the provisions of this Resolution unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use, or variance or from the Trustees approving a Planned Unit Development District, as provided by this Resolution.

**21.2 CONTENTS OF APPLICATION FOR ZONING PERMIT**

The application for zoning permit shall be made in writing and be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within one (1) year or substantially completed within two and one-half (2.5) years. At a minimum, the application shall contain the following information and be accompanied by all required fees:

- 21.2.1 Name, address, and phone number of applicant;
- 21.2.2 Legal description of property;
- 21.2.3 Existing use;
- 21.2.4 Proposed use;
- 21.2.5 Zoning district;
- 21.2.6 Plans in triplicate drawn to scale showing the actual dimensions and the shape of the lot to be built upon, the exact size and location of existing buildings on the lot, if any, and the location and dimensions of the proposed building(s) or alteration;
- 21.2.7 Building heights;
- 21.2.8 Number of off-street parking spaces or loading berths and their layout;
- 21.2.9 Location and design of access drives;
- 21.2.10 Number of dwelling units;
- 21.2.11 Health Department permit for septic system;

21.2.12 If applicable, application for a sign permit or a conditional, special, or temporary use permit, unless previously submitted; and,

21.2.13 Such other documentation as may be necessary to determine conformance with, and to provide for the enforcement of, this Resolution.

### **21.3 APPROVAL OF ZONING PERMIT**

Within thirty (30) days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Resolution. All zoning permits shall, however, be conditional upon the commencement of work within one (1) year. One (1) copy of the plans shall be returned to the applicant by the Zoning Inspector, after the Zoning Inspector shall have marked such copy either as approved or disapproved and attested to same by the Inspector's signature on such copy. One (1) copy of plans, similarly marked, shall be a placard to be posted in a conspicuous place on the property in question, according to provisions of this Resolution.

### **21.4 SUBMISSION TO DIRECTOR OF TRANSPORTATION**

Before any zoning permit is issued affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of Transportation or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered mail, to the Director of Transportation that the Inspector shall not issue a zoning permit for one hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Zoning Inspector that the acquisition of the needed land shall proceed, then the Zoning Inspector shall refuse to issue the zoning permit. If the Director of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest, or upon the expiration of the one hundred twenty (120) day period or of any extension thereof agreed upon by the Director of Transportation and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this Resolution, issue the zoning permit.

### **21.5 EXPIRATION OF ZONING PERMIT**

If the work described in any zoning permit has not begun within one (1) year from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Inspector; and written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been substantially completed within two and one-half (2.5) years of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new zoning permit has been obtained or an extension granted.

### **21.6 TEMPORARY ZONING CERTIFICATE**

A temporary zoning certificate may be issued by the Zoning Inspector for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion.

**21.7 RECORD OF ZONING PERMITS AND ZONING CERTIFICATES**

The Zoning Inspector shall maintain a record of all zoning permits and copies shall be furnished, upon request and upon payment of the established fee, to any person.

**21.8 FAILURE TO OBTAIN A ZONING PERMIT**

Failure to obtain a zoning permit shall be a punishable violation of this Resolution.

**21.9 CONSTRUCTION PERMITS**

Zoning permits issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use and arrangement set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a punishable violation of this Resolution.

**21.10 COMPLAINTS REGARDING VIOLATION**

Whenever a violation of this Resolution occurs or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Inspector. The Zoning Inspector shall record properly such complaint, immediately investigate it, and take action thereon as provided by this Resolution.

**21.11 ENTRY AND INSPECTION OF PROPERTY**

The Zoning Inspector is authorized to make inspections of properties and structures in order to examine and survey the same, at any reasonable hour, for the purpose of enforcing the provisions of this Resolution. Prior to seeking entry to any property or structure for such examination or survey, the Zoning Inspector shall attempt to obtain the permission of the owner or occupant to inspect. If such permission is denied or cannot be obtained, the Zoning Inspector shall request the assistance of the County Prosecutor in securing a valid search warrant prior to entry.

**21.12 STOP WORK ORDER**

Subsequent to the Zoning Inspector's determination that work is being done contrary to this Resolution, the Zoning Inspector shall write a stop work order and post it on the premises involved. Removal of a stop work order, except by the order of the Zoning Inspector, shall constitute a punishable violation of this Resolution.

**21.13 ZONING PERMIT REVOCATION**

The Zoning Inspector may issue a revocation notice to revoke a permit or administrative approval which was issued contrary to this Resolution or based upon false information or misrepresentation in the application.

**21.14 NOTICE OF VIOLATION**

Whenever the Zoning Inspector or the Zoning Inspector's agent determines that there is a violation of any provision of this Resolution, a warning tag shall be issued and shall serve as a notice of violation. Such order shall:

- 21.14.1 Be in writing;
- 21.14.2 Identify the violation;
- 21.14.3 Include a statement of the reason or reasons why it is being issued and refer to the sections of this Resolution being violated; and,
- 21.14.4 State the time by which the violation shall be corrected.
- 21.14.5 Service of notice of violation shall be as follows:
  - a. By personal delivery to the person or persons responsible or by leaving the notice at the usual place of residence of the owner with a person of suitable age and discretion;
  - b. By certified mail deposited in the United States Post Office addressed to the person or persons responsible at a last known address. If a certified mail envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail, and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Zoning Inspector. Service shall be deemed complete when the fact of mailing is entered of record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery; or,
  - c. By posting a copy of the notice form in a conspicuous place on the premises found in violation.

## **21.15 PENALTIES AND FINES**

It shall be unlawful to erect, establish, locate, construct, reconstruct, enlarge, change, convert, move, repair, maintain, or structurally alter any building, structure or land in violation of any provision of this Resolution or any amendment thereto. Any person, firm or corporation who violates this Resolution or fails to comply with any of its requirements shall be fined the maximum allowable pursuant to Section 519.99 of the Ohio Revised Code or in such statute as it may hereafter be amended. Each day such violation each day such violation is in effect shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

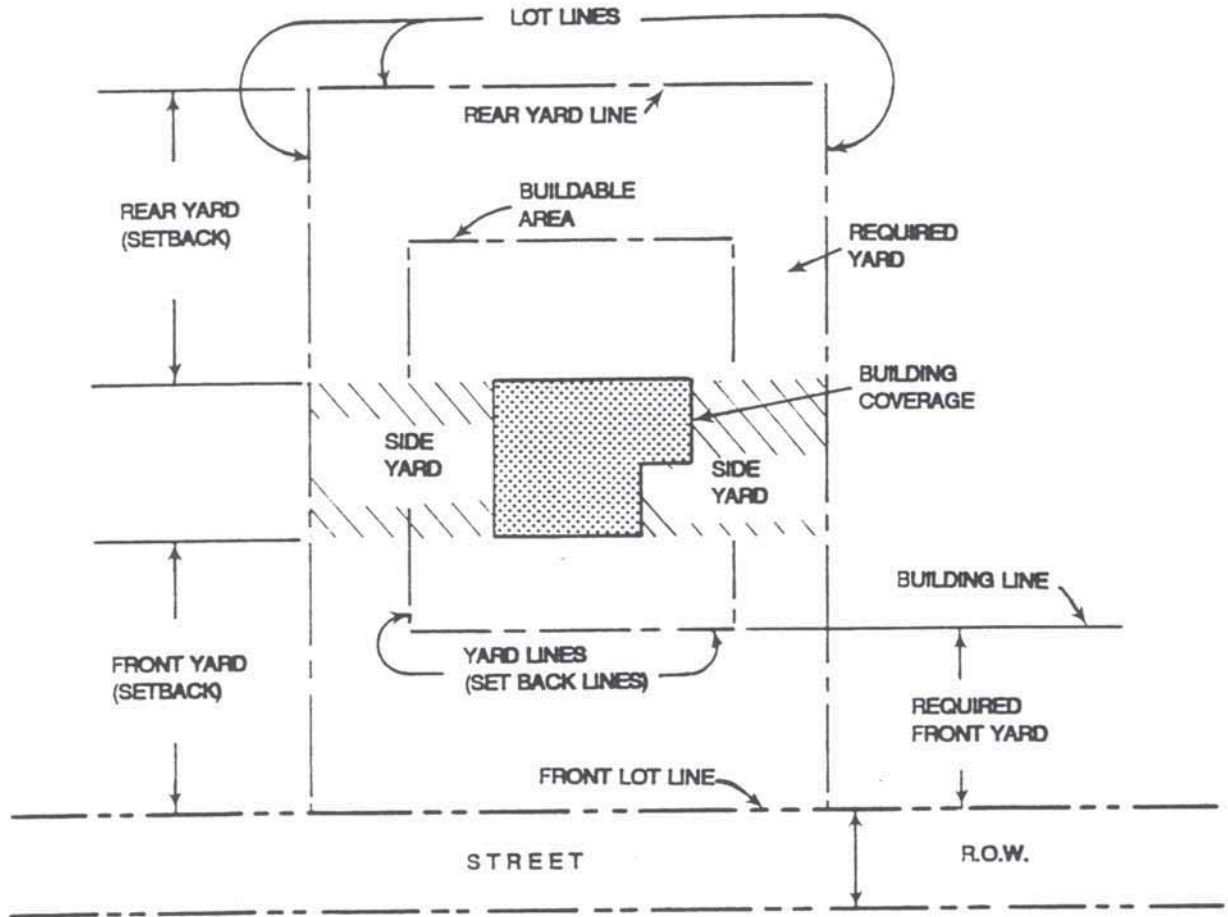
## **21.16 ADDITIONAL REMEDIES**

Nothing in this Resolution shall be deemed to abolish, impair or prevent other additional remedies as provided by law. In the event of a violation of any provision or requirement of this Resolution or in the case of imminent threat of such violation, the Zoning Inspector, the Prosecuting Attorney, or the owner of any neighboring property who would be especially damaged by such violation shall seek injunction, abatement, or other appropriate actions to prevent, remove, abate, enjoin, or terminate such violation.

## **APPENDIX A**

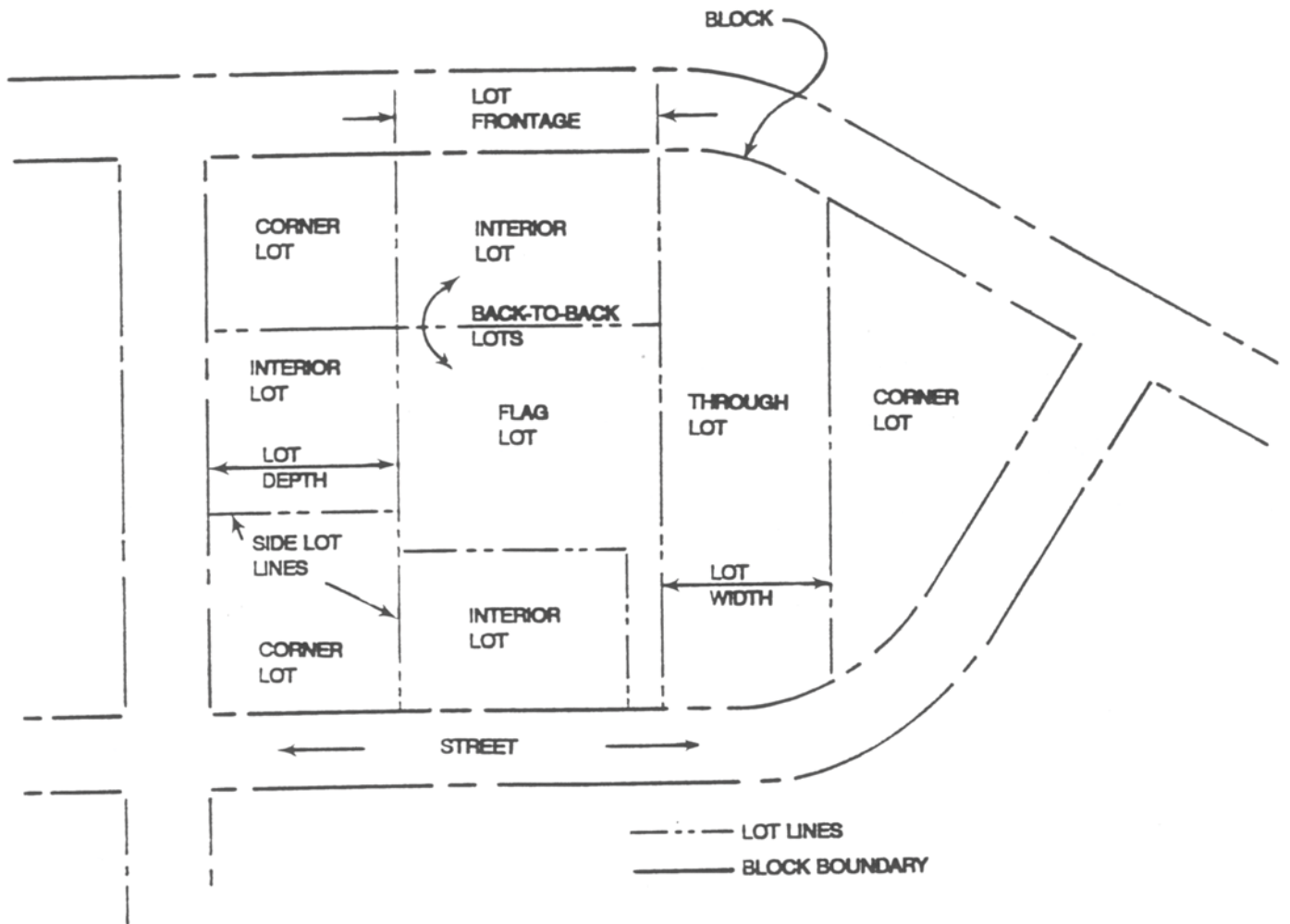
Appendix is provided for illustration/information purposes only. Please see Township Zoning Inspector for complete details/specifications.

# ILLUSTRATION A: SETBACK DIMENSIONS



(For informational purposes only.)

# ILLUSTRATION B: LOT TYPES

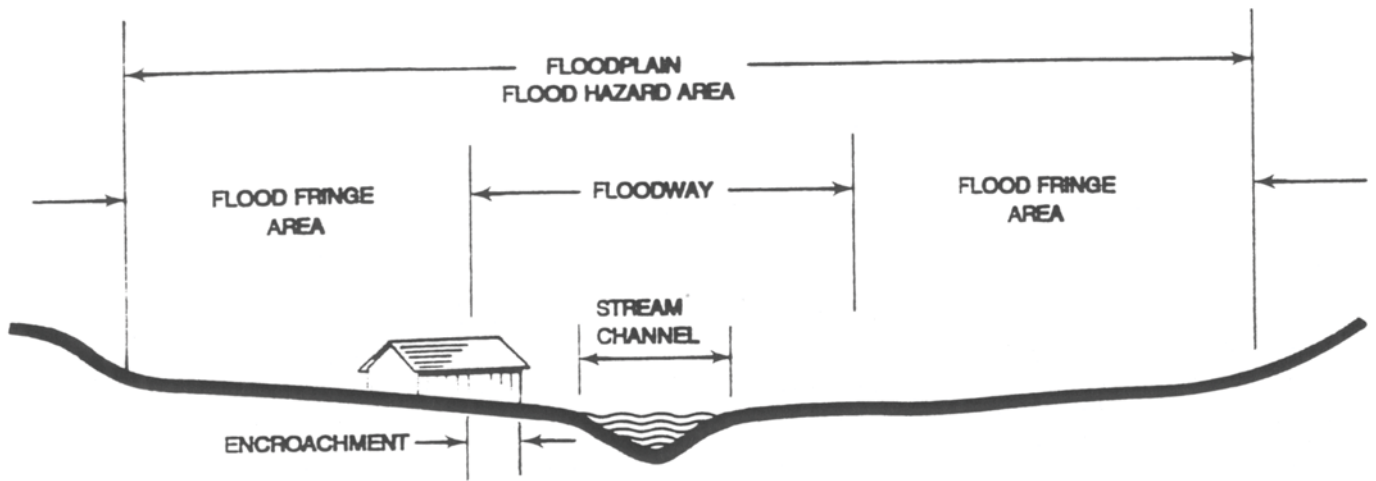


(For informational purposes only.)



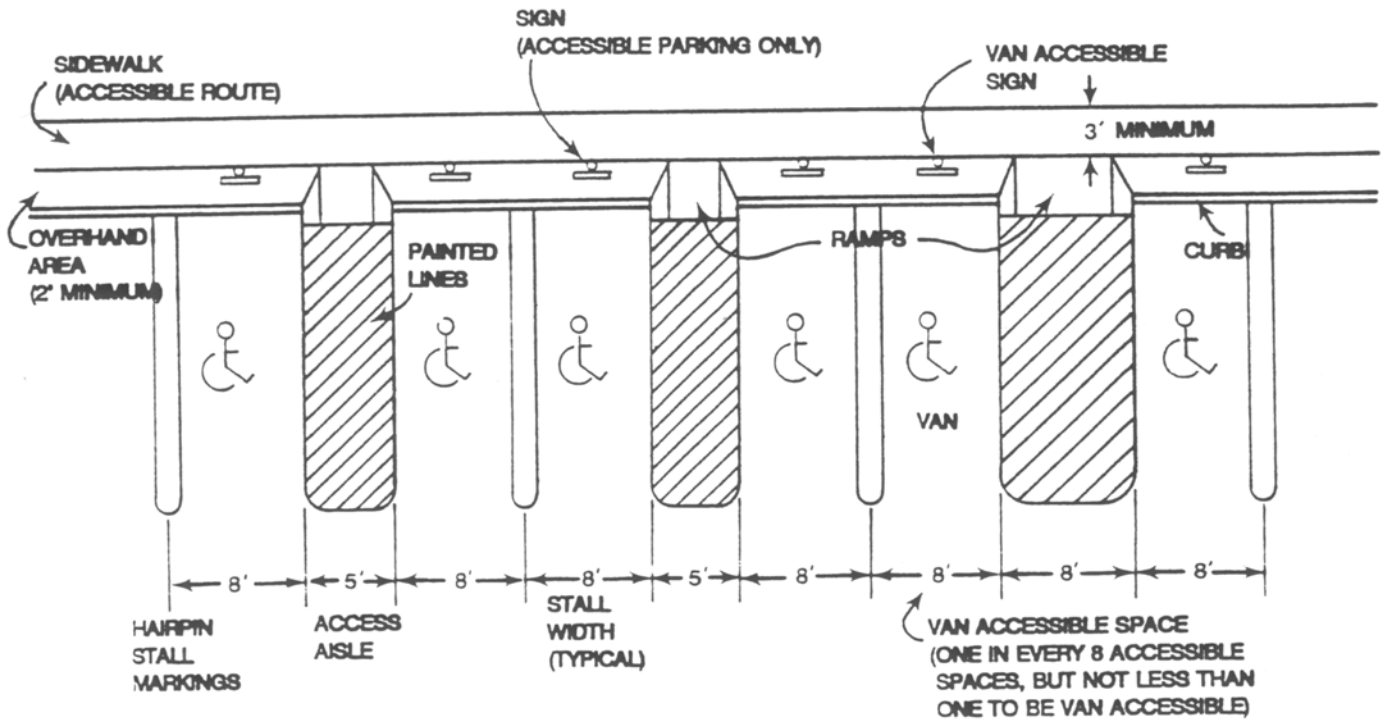


ILLUSTRATION D:  
FLOODPLAIN CROSS-SECTION



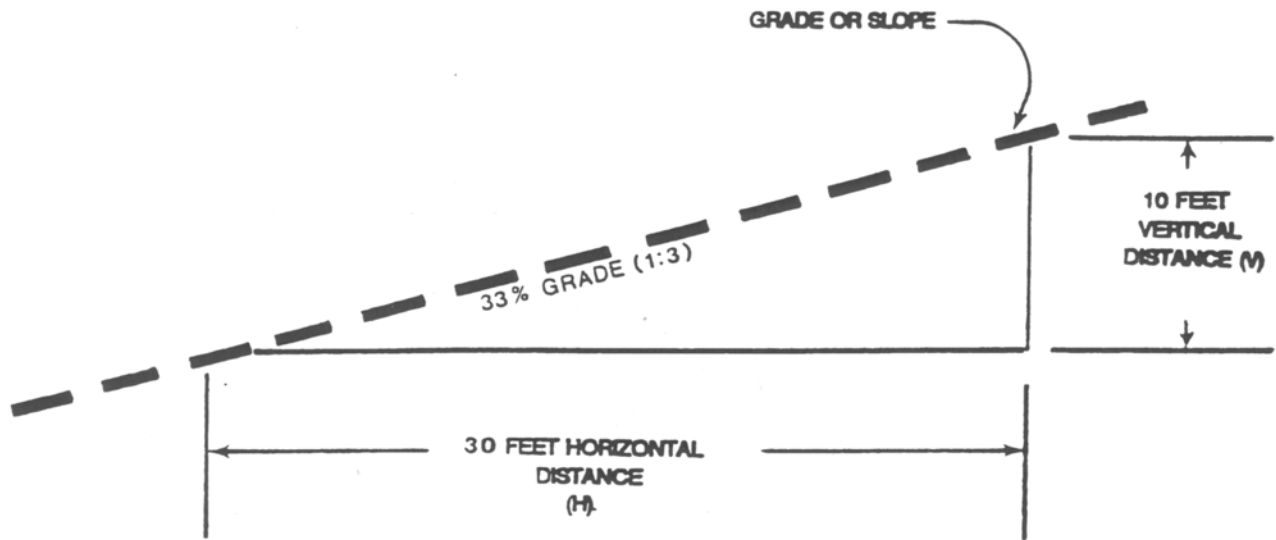
(For informational purposes only.)

ILLUSTRATION E:  
 ACCESSIBLE PARKING SPACE STANDARDS



(For informational purposes only.)

ILLUSTRATION F:  
DETERMINATION OF SLOPE

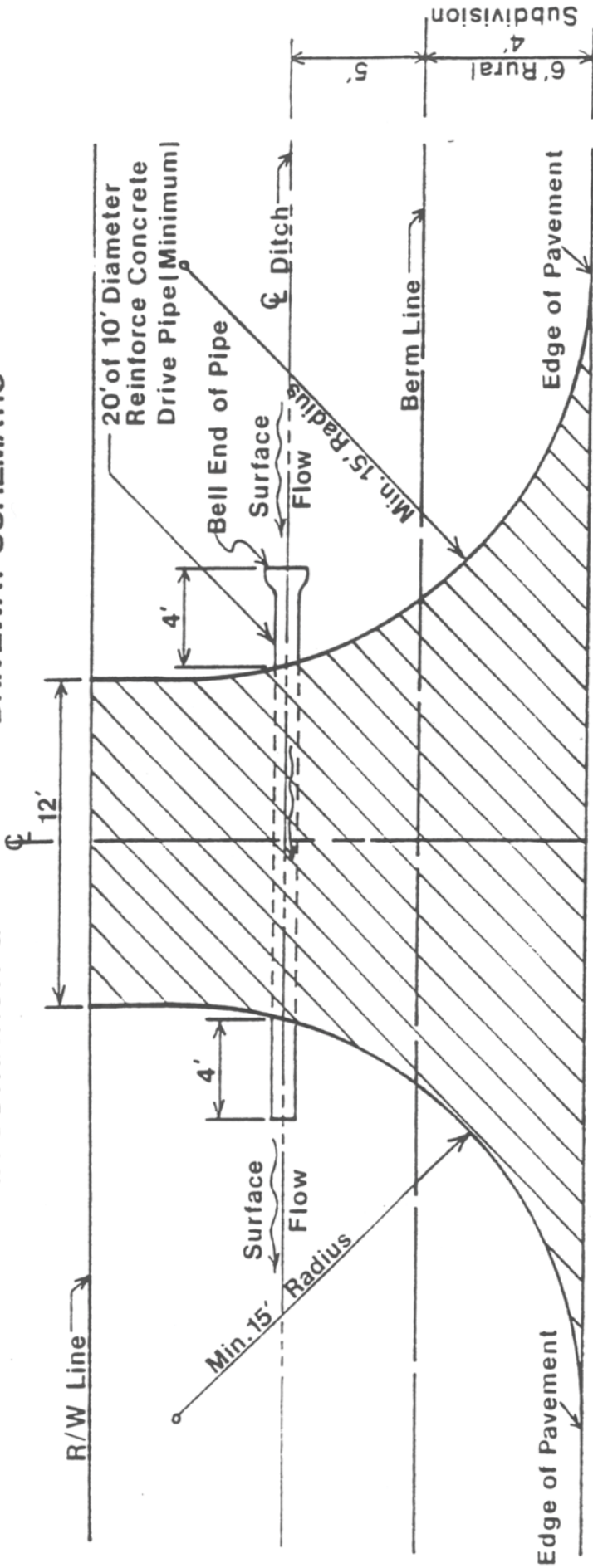


SLOPE CALCULATION =  $\frac{V}{H}$   
(DEGREE OF SLOPE = TANGENT OF  $\frac{V}{H}$ )

(For informational purposes only.)

**DRIVEWAY SCHEMATIC**

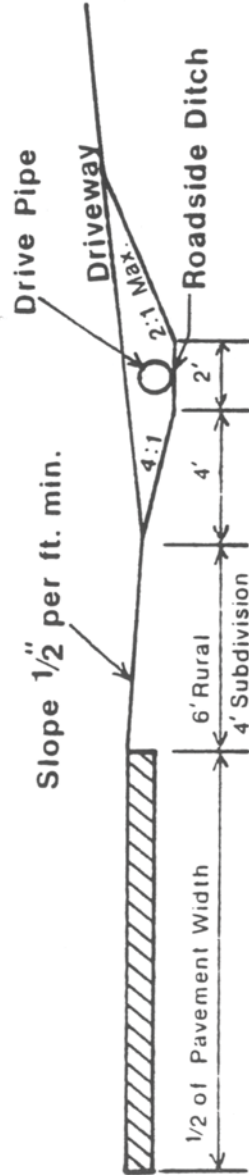
**ILLUSTRATION G:**



**Note:**

Roadside Ditch Shall Not Be Filled In

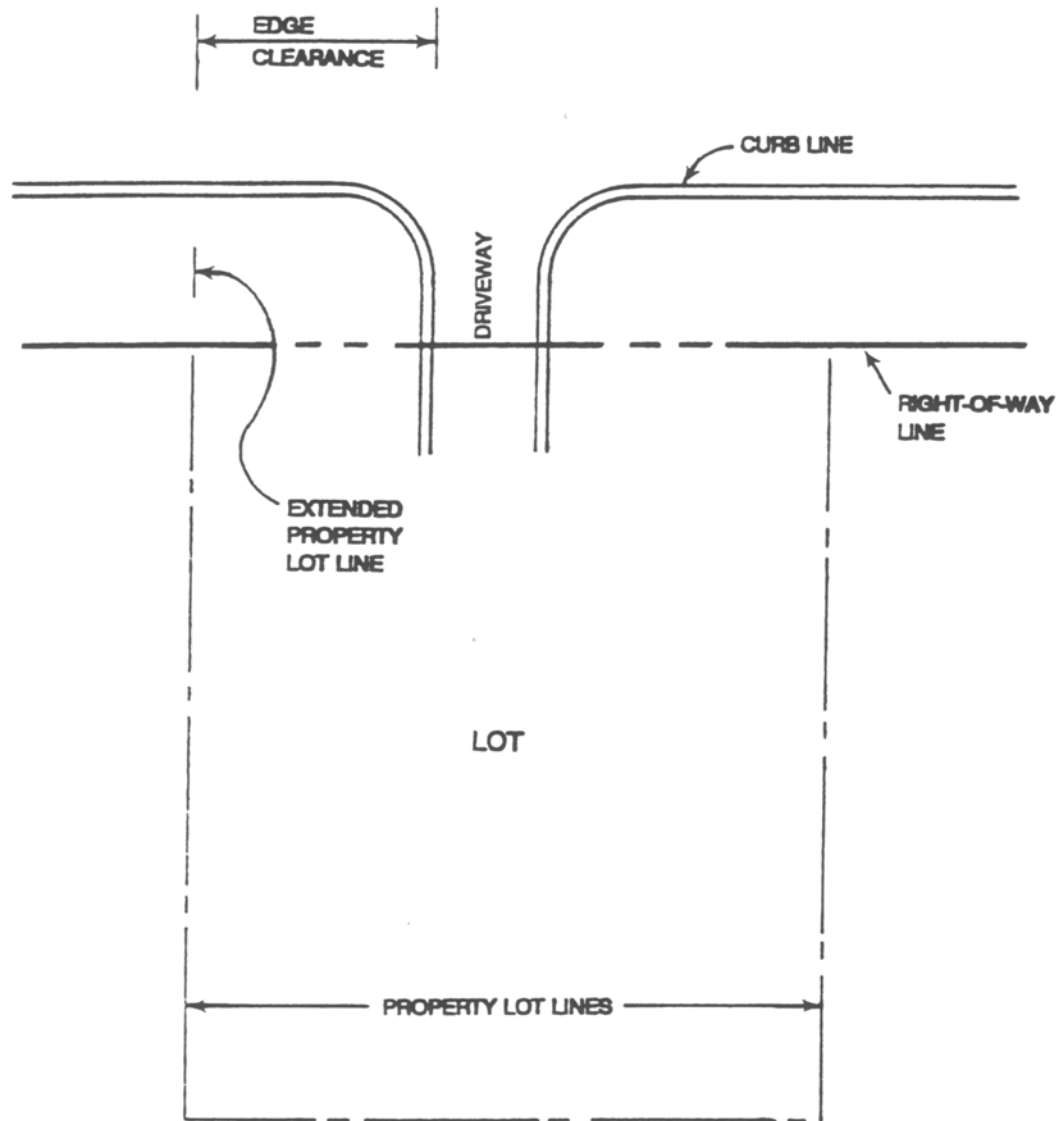
**PLAN**



**ELEVATION**

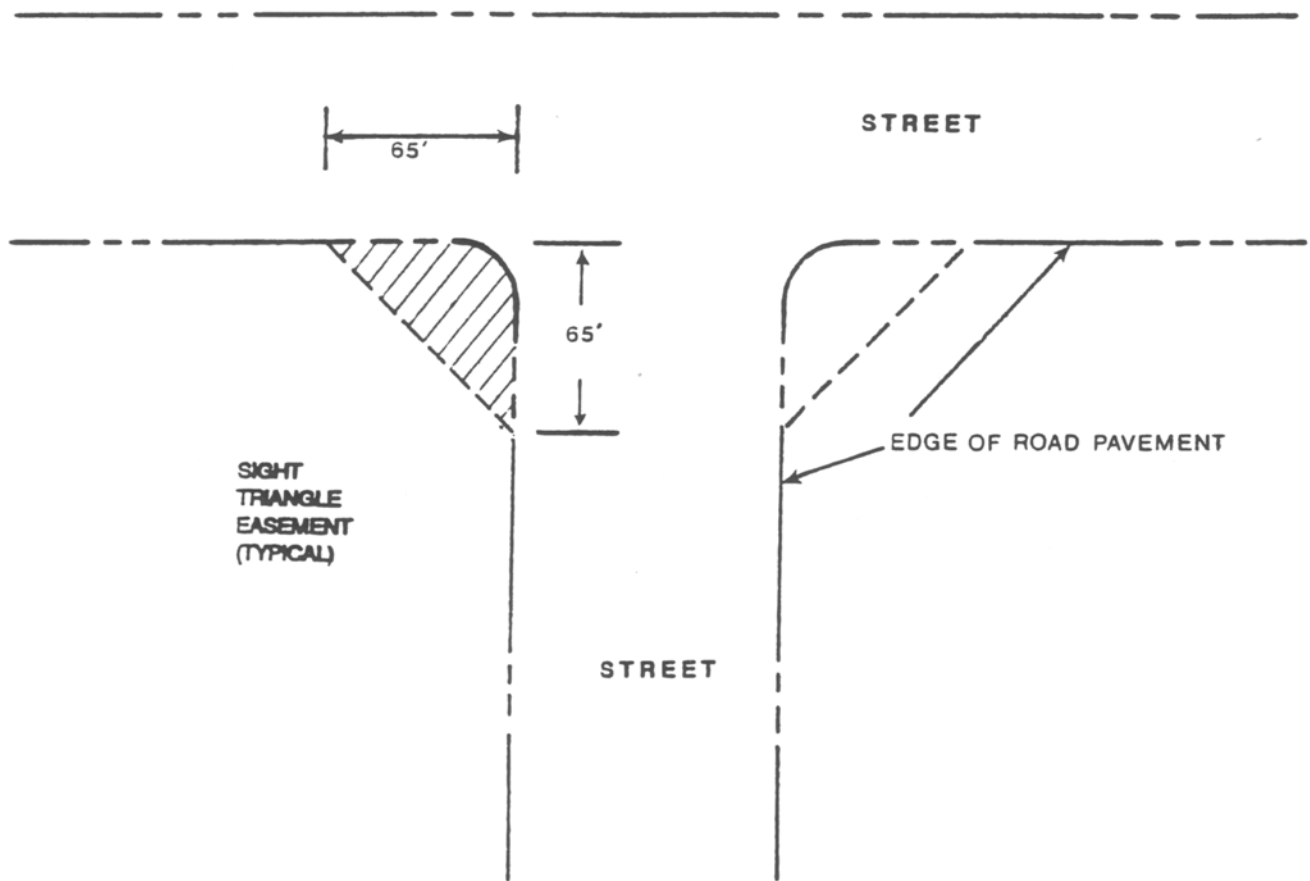
(For informational purposes only.)

ILLUSTRATION H:  
EDGE CLEARANCE



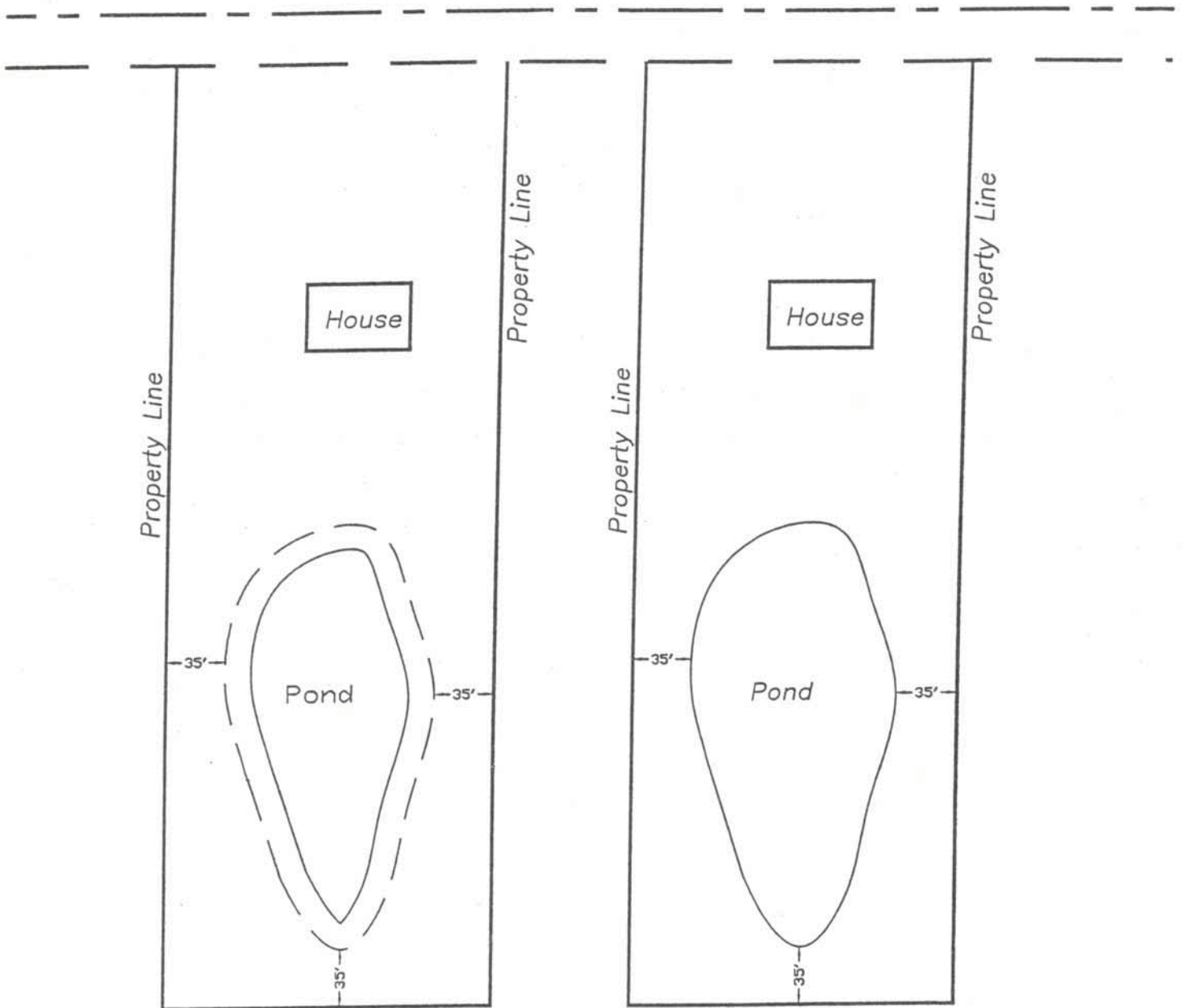
(For informational purposes only.)

ILLUSTRATION I:  
SIGHT TRIANGLE EASEMENT



(For informational purposes only.)

# Illustration J: Pond Setback Dimensions



*With Mounding*

*Without Mounding*

*Dashed line indicates base of mounding*

*Solid Line indicates waters edge*

(For Information Purposes Only)

**CERTIFICATION**

The Perry Township Zoning Commission hereby certifies that the foregoing proposed Resolution constitutes the text of its recommendations for the zoning plan.

Date: July 15, 1997

/s/ Earl Talty

/s/ Alvin Linn

/s/ Ronald D. Gilroy Jr.

/s/ Louis Johnson

/s/ Paul Pantylo

PERRY TOWNSHIP ZONING COMMISSION

Adopted by the Board of Trustees:

Date: Aug 5, 1997

/s/ Harold Cox

/s/ Ed C. Conrad

/s/ John Breyer

PERRY TOWNSHIP BOARD OF TRUSTEES

**AMENDMENTS:**

12-04-2003

04-05-2016



# CERTIFICATION

The Perry Township Zoning Commission hereby certifies that the foregoing proposed Resolutions the text of its recommendations for the zoning plan.

Date: 15 March 16

/s/ Earl Johnson

/s/ Paul Johnson

/s/ Janis Johnson

/s/ Dol Sjer

/s/ Paul Johnson

PERRY TOWNSHIP ZONING COMMISSION

Adopted by the Board of Trustees:

Date: 4-5-2014

/s/ Nancy A. Capps

/s/ William L. Capps

/s/ Meghan J. Kerson

PERRY TOWNSHIP BOARD OF TRUSTEES

Lima-Allen County Regional Planning Commission  
221 North Main Street, Suite 2C - Lima, Ohio 45801

To Whom It May Concern:

Pursuant to Revised Code Section 519.07, the Perry Township Zoning Commission hereby submits the proposed zoning resolution for Perry Township to the Lima-Allen County Regional Planning Commission for its consideration.

Date: July 15, 1997

/s/ Earl Tally

/s/ John [unclear]

/s/ Ronald D. [unclear]

/s/ James Johnson

/s/ Paul [unclear]

Perry Township Zoning Commission