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*Page 1-30 Booklet*  
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**ZONING RESOLUTION  
PERRY TOWNSHIP  
BROWN COUNTY, OHIO**

**PREPARED FOR THE  
PERRY TOWNSHIP BOARD OF TRUSTEES**

**BY THE**

**PERRY TOWNSHIP ZONING COMMISSION**

Amended: August 7, 1991 \*  
Amended: March 10, 2003 #  
Amended: 4-14-08@

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## **PERRY TOWNSHIP ZONING RESOLUTION**

A Resolution for the purpose of promoting public health, safety and general welfare; to secure the most appropriate use of land; and to facilitate adequate but economical provision of public improvements. all in accordance with a sound manner, the Board of Trustees of Perry Township finds it necessary and advisable to regulate the location and use of buildings and other structures; and the uses of land for trace, industry, residence and other purposes and for such purposes, divides the unincorporated area of the township into districts or zones.

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF PERRY TOWNSHIP, BROWN COUNTY, STATE OF OHIO:

### **ARTICLE 1 PURPOSE**

For the purpose of promoting public health, safety, or general welfare; to secure the most appropriate use of land and to facilitate adequate but economical provisions of public improvements all in accordance with the provisions of Chapter 519 of the Ohio Revised Code, it is hereby provided as follows:

### **ARTICLE 2 DISTRICTS AND BOUNDARIES**

**SECTION 1. DISTRICTS:** The Territory of Perry Township, Brown County, Ohio is hereby divided into the following Districts or Zones:

Agricultural "A" District  
Residence "R" District  
Residence "R1" District  
Commercial "B" District  
Industrial "I" District

**SECTION 2. DISTRICT MAP:** The boundaries of these districts are indicated upon the "District Map". This map is made a part of this Resolution. The District Map is properly attested and is on file in the offices of the Perry Township Trustees.

**SECTION 3. DISTRICT BOUNDARIES:** The district boundaries are intended to follow the centerlines of streets or rivers and streams, corporation lines, lot lines, property lines, and where the districts shown on the district map are bounded approximately by such street, river or stream, corporation line, lot line, or property line, the same shall be construed to be the boundary of the district, unless such boundary is otherwise indicated on the district map. The district boundary lines shall be determined by the use of the scale on the district map or by dimensions.

**SECTION 4. VACATION OF PUBLIC WAY:** Whenever any street or other public way is vacated by official action of the Board of County Commissioners of Brown County, the zoning district on each side of such street or public way shall automatically be extended to the center of such vacated way and all such area included in the vacation shall then be subject to all regulations of the extended districts.

**SECTION 5. DOUBTFUL BOUNDARIES:** Whenever there may be doubt as to the location of a district boundary, the matter shall be resolved by the Board of Zoning Appeals.

### **ARTICLE 3 DEFINITIONS**

The words which are defined are those which have special or limited meanings as used in this Zoning Resolution and might not otherwise be clear. Words whose meaning is self-evident as used in this Zoning Resolution are not defined here.

- 1) # Accessory Use: means a use subordinate, secondary, incidental to, and customary in connection with the principal building or use and located on the same lot as a principal building or use.
- 2) # Accessory Structure: means a building or structure occupied by an accessory use.
- 3) Agriculture: the use of land for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the accessory uses for packing, treating, or storing the produce thereof, provided such accessory use is secondary to that of the principal agricultural activity.
- 4) Agricultural Structure: any structure or building accessory to the principal agricultural use of the premises; however, farm dwellings are principal buildings.
- 5) Alteration: any change or addition to the supporting members or foundation of a structure of building.
- 6) Building: a structure built, maintained or intended for use for the shelter or enclosure of persons or property of any kind.
- 7) \* DEVELOPMENT: is an area of land, controlled by a Landowner, to be developed as a single entity for dwelling units and/or other uses.
- 8) \* DEVELOPMENT PLAN: a drawing including a survey of the boundaries of the site attested to by a registered Land Surveyor and a description of the real estate involved which shows the tentative location and size of all existing and proposed buildings, structures and yards; the tentative location and dimension of building lines and easements; the tentative widths and lengths of all entrances and exits to and from said real estate; location of all adjacent or adjoining streets; tentative location of service facilities and other improvements such as public parking areas, planting areas and other proposed use of said real estate.
- 9) Dwelling: any building or portion thereof occupied or intended to be occupied exclusively for residential purposes.
  - A. Single Family Dwelling: a detached, independently standing building occupied or intended to be occupied exclusively for residential purposes by one family or housekeeping unit, and includes mobile homes and trailers.
  - B. Multiple Family Dwelling: a detached, independently standing building occupied or intended to be occupied exclusively for residential purposes by more than one (1) family or housekeeping unit.
- 10) \* EASEMENT: authorization by a property owner for the use by another and for a specified purpose (such as private drive, private street, public utilities etc.) of any designated part of his property.
- 11) # HOME OCCUPATION: means any use, activity, profession, occupation, service, craft, or revenue-producing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling, and is conducted primarily by the occupant entirely within the structure on the premises without any significant adverse impact upon surrounding properties. A home occupation shall comply with the following standards:



- A. The use shall be clearly incidental and secondary to residential use of the dwelling.
- B. @The home occupation shall occur entirely within structures on the premises. No exterior activity or storage of material shall be permitted.
- C. # The home occupation shall not generate greater traffic volume than is normal for a residential neighborhood.
- D. # External indication of such home occupation shall be limited to one non-illuminated sign not exceeding four (4) feet by (4) feet in size.
- E. Not more than one (1) person, other than members of the immediate family shall be employed in such occupation.
- F. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot or in any way create a general nuisance to the neighbors.

12) # Inoperable Vehicle: means any vehicle or motor vehicle as defined in Section 4501.01 (A) and (B) of the Ohio Revised Code, which vehicle is unfit for use due to any of the following conditions:

- A. Not Currently licensed for use on roads in this state, or
- B. Unsafe for travel due to lack of a part or parts such as but not limited to a wheel, a door, the hood, the motor, or the windshield or
- C. If the vehicle were inspected by the Ohio State Highway Patrol according to Section 4513.02 (A) thru (G) of the Ohio Revised Code and would be found unsafe.

13) # Junkyard: means as defined in Section 4737.05 (B) of the Ohio Revised Code or means a place 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 place or yards for storage of salvage house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building.

14) # Junk: shall be defined as set for the in Section 4737.05 (A) of the Ohio Revised Code and means; old or scrap copper, brass, rope, rags, trash, waste, batteries, paper, rubber, iron, steel, and other old or scrap ferrous or nonferrous materials.

15) \*LOT: For the purposes of this resolution, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street or on a private street and may consist of a single lot of record.

16) \*LOT LINE: The boundary dividing a lot from a right-of-way, adjoining lot or other adjoining tract of land.

17) \*LOT OF RECORD: A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been recorded.

18) \*LOT MEASUREMENT: A lot shall be measured as follows:

- A. Depth: The distance between the mid points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot

lines in the rear.

B. Width: The distance between straight lines connecting front and rear lot lines at each side of the lots, measured at the building setback line.

19) \*LOT, MINIMUM AREA OF: The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.

20) \*MOBILE HOME: Any non-self-propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation, when connected to utilities, whether resting on wheel, jacks, blocks, or other temporary foundation and used or so constructed as to permit its being used as a conveyance upon the public streets and highways and exceeding a gross weight of four thousand five hundred (4500) pounds and an overall length of thirty (30) feet, and not in compliance with the Federal Manufactured Housing Construction and Safety Standards Act of 1974.

21) Nonconforming Use of Structure: a use or structure of any premises which does not conform with the provisions of this Resolution, but which existed before the adoption and effective date of this Resolution.

22) #Parking Area, Private: means an open area, other than a street or other public way, used for the private parking of automobiles.

23) #Parking Area, Public: means an open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free or as an accommodation for clients or customers.

24) #Parking Space: means a surfaced area suitable for parking of motor vehicles of not less than two hundred square feet (200 Sq. Ft.), either within a structure or in the open, exclusive of driveways or access drives.

25) @Premises: a lot or tract of land under ownership and all the buildings or structures on it.

26) Processing: manufacturing, packaging, repairing, and any other similar original or restorative treatment applied to raw materials, products, or personal property. Processing does not include fabrication of structures.

27) Retail Sales: the sale of any product or merchandise to customers for their own personal consumption and use, not for resale.

28) \*RIGHT-OF-WAY: A strip of land taken, given or dedicated for use as a public way. Right-of-way width will be, a minimum of twenty five (25) feet from center line, or as specified by Brown County Engineer, State or Federal authorities, or that imposing the larger width will apply. 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, landscape areas, viaducts, and bridges.

29) \*ROADSIDE STAND: A temporary structure designed or used for the display or sale of agricultural and related products.

30) \*SETBACK LINE: A line generally parallel with and measured from the lot line, defining the limits of a yard in which no building or structure may be located above ground, except



as may be provided in this resolution.

- 31) **\*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.
- 32) **\*SEWERS, ON-SITE:** A septic tank or similar installation on an individual lot which utilizes aerobic or anaerobic 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.
- 33) **\*PRIVATE STREET:** An open, unoccupied space, or easement other than a (public) street permanently reserved for use as the principal means of access to abutting property, and which meets the minimum requirements of the Brown County Engineer, and not maintained by the County or Township.
- 34) **#Structure:** anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, and billboards.
- 35) **\*SUBDIVISION:** The plating and division at one time, of a lot, tract, or parcel into five or more lots, one of which is less than 5 acres, or requires road way private or dedicated.
- 36) **Conditional Use:** a use which must receive special approval from the Board of Zoning Appeals in order to be a permitted use, and before the issuance of a zoning certificate.
- 37) **Use:** use broadly refers to the activities which take place on any land or upon any premises and also refers to the structures located thereon and designed for those activities.
- 38) **Variance:** a departure from the strict conformance with the provisions of this Resolution which may be approved by the Board of Zoning Appeals.
- 39) **Yard:** the space between a lot line and the building line.

## **ARTICLE 4 GENERAL PROVISIONS**

### **SECTION 1. AGRICULTURAL USES AND BUILDINGS NOT AFFECTED**

Nothing contained in this Resolution shall prohibit the use of any land for agricultural purposes or the construction or use of any building or structure for agricultural purposes of the land on which such building or structure is located, and no zoning certificate shall be required for any use, building or structure for agricultural purposes.

### **SECTION 2. RESTORING BUILDINGS OR STRUCTURES**

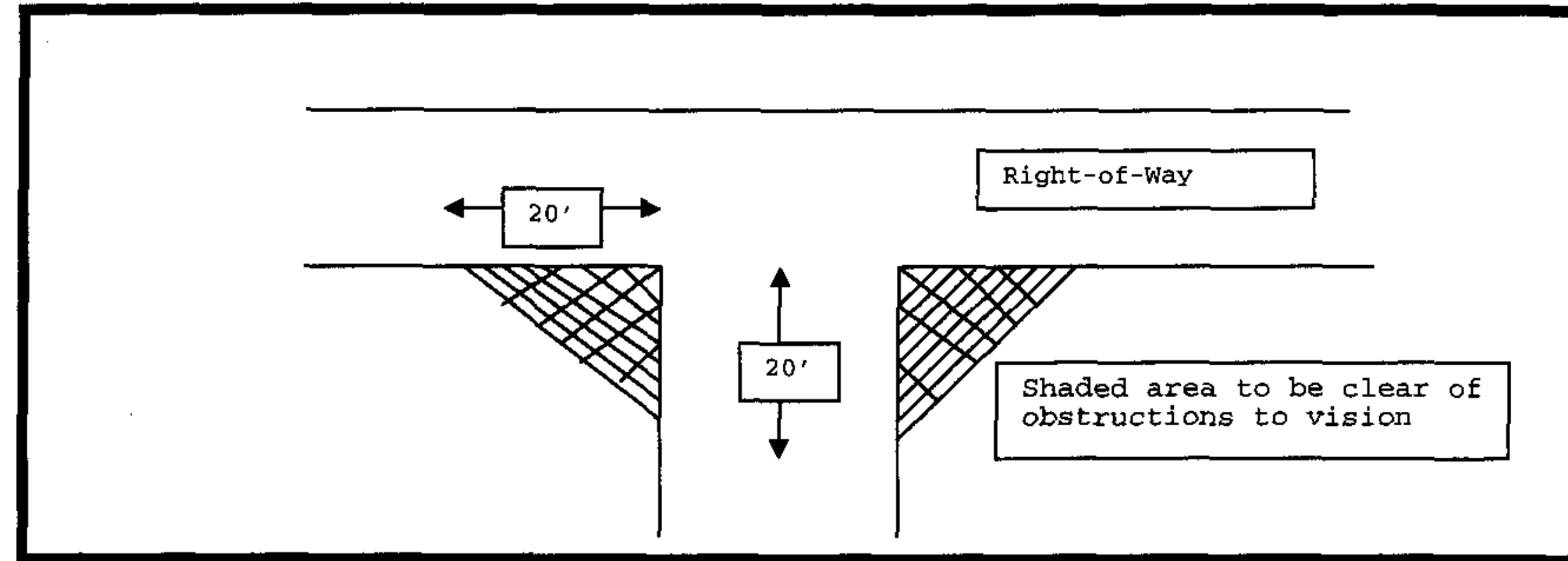
Nothing contained in this Resolution shall prohibit or prevent the maintenance, strengthening, alteration or restoring to a safe condition any part of any building or structure, and no zoning certificate shall be required for such maintenance, strengthening, alteration or restoration.

### **SECTION 3. USES NOT PROVIDED FOR**

Any use specifically not provided for in the provisions of this Resolution shall be assumed to be prohibited, unless stated otherwise by the Board of Zoning Appeals.

**SECTION 4. OBSTRUCTIONS TO VISION AT INTERSECTIONS PROHIBITED**

Within the triangular or other shaped area formed on a lot by a straight line connecting the right-of-way line of an intersecting street and a railroad or the right-of-way lines of two intersecting streets, at points twenty (20) feet from the intersection of such right-of-way lines, there shall be no obstruction to vision between a height of two and one-half (2 ½) feet and a height of ten (10) feet above the average grade of such street(s) and/or railroad. This applies to signs, walls, shrubbery, and other obstructions which would impair the vision of traffic conditions at any such intersection, but does not prohibit any necessary retaining wall or structure.



**# SECTION 5. NUISANCE PROHIBITED**

No abandoned, discarded, inoperable, wrecked, unlicensed, unsafe, disabled, dismantled vehicles, motor vehicles or abandoned, discarded, manufactured homes, structures or inoperable machinery, equipment, machine parts or abandoned, inoperable agriculture equipment or discarded furniture, appliances, junk or other miscellaneous materials shall be permitted to remain other than within a totally enclosed structure on the premises, in any district with the exception of farm implements currently being used in agriculture.

**SECTION 6. NOISE, NUISANCE AND CONTAMINATION**

For the protection of the health, safety and general welfare of the community, no use of land or property, whether for private, commercial or other purposes, with the exception of agricultural uses, shall create at or beyond the property lines, a condition of nuisance and/or hazard with regard to noise, smoke, dust, litter, liquid effluent or other pollutant or contaminant in excess of those specified in current Brown County, State of Ohio, or Federal regulations applicable to such use of land or property. The prevailing regulations shall be interpreted as that which results in the lowest level of noise, nuisance or contaminant.

The Zoning Inspector, prior to the issuance of a zoning certificate, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in a processing or equipment operation are to be eliminated or reduced to acceptable limits and tolerances.

Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures published by the American Standards Association, Inc., New York, the Manufacturing Chemist's Association, Inc., Washington, D.C., the United States Bureau of Mines, and the

Ohio Environmental Protection Agency.

**SECTION 7. INTENSITY OF USE**

All persons shall refer to the Official Schedule of District Regulations in the Supplemental Section for minimum lot sizes and minimum yard dimensions in particular zoning districts.

**ARTICLE 5 SUPPLEMENTARY DISTRICT REGULATIONS**

**SECTION 1. CONVERSION OF DWELLING TO MORE UNITS**

A residence may not be converted to accommodate an increased number of dwelling units unless:

1. The yard dimensions still meet the yard dimensions required by the zoning regulations for new structures in that district;
2. The conversion is in compliance with all other relevant codes and resolutions.

**SECTION 2. FOR A DEVELOPMENT AND/OR SUBDIVISION**

A development and/or subdivision plan must be platted and tentative approval be provided in writing by the Brown County Engineer, Brown County Board of Health, Brown County Planning Commission, Brown County Commissioners and Perry Township Zoning Inspector, prior to recording.

The declared roads presented in the development plan must be built to Brown County Engineering Specification.

**# Section 3**  
**OFFICIAL SCHEDULE OF DISTRICT REGULATIONS**  
**PERRY TOWNSHIP, BROWN COUNTY, OHIO**

ZONE DISTRICTS		MINIMUM LOT SIZE			Minimum Yard Dimensions (Ft.)			
		Acreage per Household/Family		Minimum Lot Width Feet See Note # 3	Front Yard Set Back Line See Note #1, 2, & 4	One Side Yard	Sum Side Yards	Rear Yard
		With On Site Sewage	With Central Sewage					
Agricultural	"A"	3	3	250	75	20	40	35
Residence	"R"	1*	30,000 Sq.Ft.	125	75	10	20	35
Residence	"R-1"	1*	30,000 Sq.Ft.	125	75	10	20	35
Single Family Dwellings		1*	30,000 Sq.Ft.	150	75	10	20	35
Two Family Dwellings		1*	5,000 Sq.Ft.®	150	75	10	20	35
Multi-Family Dwellings								
Commercial	"B"	1	30,000 Sq.Ft.	125	75	15	30	35
Industrial	"I"	1	1	125	75	15	30	35

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\* Discretion of the Brown County Board of Health (Minimum 1 Acre)

® 5,000 sq. ft. minimum lot area per unit and a minimum of 43,560 sq. ft. (1 acre) for each multi-family structure.

- Note # 1 On any parcel or lot fronting on a Federal or State Route, the measurement for the minimum set back line shall be 100 feet from the center of the road, or 75 feet from the right-of-way which ever is greater.
- Note # 2 On any parcel or lot fronting on a County or Township road, the measurement for the minimum set back line shall be 75 feet from the center of the road.
- Note # 3 A minimum lot width of 125 feet is required at the building line.
- @ Note # 4 For panhandle lots the set back line shall be 50 feet, beginning at the lot end, of the panhandle

#### # SECTION 4. OFF-STREET PARKING SPACE REQUIREMENTS

##### General Requirements

In all districts, in connection with every industrial, business, institutional, recreational, and residential or any other use there shall be provided, at any time any building or structure is erected or is enlarged or increased in capacity, off-street parking spaces for automobiles in accordance with the following requirements:

- A. Each off-street parking space shall have an area of not less than two hundred square feet (200 Sq. Ft.) = (10 Ft x 20 Ft.) exclusive of access drives or aisles, and shall be of usable shape and condition. Except in the case of dwellings, no parking area provided hereunder shall be less than one thousand square feet (1,000 Sq. Ft.) in area.
- B. There shall be adequate provision of ingress and egress (minimum of 20 Ft.) to all parking spaces.
- C. Where a parking lot does not abut on a public or private alley or easement of access, there shall be provided an access drive not less than ten feet (10 Ft.) in width.

##### Number of Spaces to be Provided:

In all districts, there shall be provided at the time any building or structure is erected or structurally altered off-street parking spaces in accordance with the following requirements:

<u>Use</u>	<u>Minimum Parking Spaces</u>
Dwellings, including 1,2, and 3 families and summer cottages.	Two ( 2 ) for each dwelling unit.
Dwelling, multiple	Two ( 2 ) for each dwelling unit.
Commercial, Business	Three ( 3 ) plus one ( 1 ) additional for each four hundred square feet ( 400 ) of floor area over one thousand square feet (1,000 ).
Manufacturing or Industrial	One and one-half (1 ½) for each employee on the maximum working shift plus space to accommodate all trucks and other vehicles used in connection there with.

## **ARTICLE 6 ZONING DISTRICT REGULATIONS**

### **SECTION 1. AGRICULTURAL "A" DISTRICT**

#### **A. Permitted uses**

- 1) Agriculture, farming, truck gardening, nurseries, dairying, and sales of items raised on the premises.
- 2) @ Single family dwelling such that there shall be a restriction of one single family unit per lot.
- 3) Publicly owned and operated properties.
- 4) Roadside stands offering for sale of agricultural products.
- 5) Home occupations.
- 6) Accessory buildings and uses customarily incident to any of the above permitted uses including signs indicating the sale, lease, or hire of a building or structure or premises, or any material that is produced, manufactured, grown, or treated on the property, provided however, that such sign shall be located off the public right-of-way of any street or road.

#### **B. Permitted uses requiring a Conditional Use Permit from the Board of Zoning Appeals.**

1. Extraction, processing and storing of Minerals or Raw Materials which are extracted from the same property on which they are to be processed, treated or stored.  

The Board of Zoning Appeals may grant approval and may attach such conditions and safeguards as it deems necessary to protect neighboring properties from for hazards or smoke, dust, noise, odor or any other detrimental or obnoxious effects which may result from the proposed activity. In addition, the Board of Zoning Appeals may require a written agreement from the owners of such operations that the land involved shall be reclaimed to as near an original state as is practical.
2. Cemeteries
3. Amusement parks, playgrounds, golf courses and other privately owned outdoor recreational activities.
4. Drive-in theaters subject to the following conditions:
  - A. The applicant presents plans and specifications for the proposed theater in a form suitable for making the determination required herein.
  - B. There is approval of the plan of access to and from the highway from the agency responsible for the maintenance of said highway.
  - C. The entrances and exits to the highway shall be located, where possible, so as to afford unobstructed sight distance for five hundred (500) feet in each direction along said highway.
  - D. All buildings and structures (excluding fences) shall be located at least one hundred (100) feet from any property line.
  - E. The picture screen shall not face or be placed so that it may be viewed from



any street, and shall be screened from view by trees or fence, from any residence.

F. Provisions shall be made to subdue speaker sounds when the theater abuts a residence or residential district.

5. Commercial radio and television transmitters and relay antennas.
6. Sanitariums.
7. Private airports and landing fields.

**C. Uses Prohibited**

1. All establishments or activities operated publicly or privately for the disposal or storage of garbage, rubbish, offal, or other waste or surplus material not originating upon the premises.
2. Junkyards.
3. Any other use not specifically permitted in the Section.

**SECTION 2. RESIDENCE "R" DISTRICT**

**A. Permitted Uses**

1. Any use, building or structure permitted and as regulated in the Agricultural "A" District, except as modified in this Section.
2. @ Single family dwelling such that there shall be a restriction of one single family unit per lot.
3. Churches and other places of worship, including Sunday School buildings and parish houses.
4. Public and private schools, including nursery schools and child day care centers.
5. Home occupations.
6. Accessory Uses and buildings customarily incident to any of the above permitted uses.

**B. Permitted Uses requiring a Conditional Use Permit from the Board of Zoning Appeals.**

1. Playgrounds, golf courses and other privately or publicly owned outdoor recreational activities (except miniature golf and practice driving ranges, and other similarly uses the chief activity of which is customarily carried on as a business), provided that any building shall be located at least one hundred (100) feet from any residence.
2. Hospitals and institutions of an educational, religious, charitable or philanthropic nature, provided that such building be located at least one hundred (100) feet from any residence.
3. # The conversion of single family dwellings to multiple family dwellings.

**C. Uses Prohibited.**

1. All uses prohibited in the Agricultural "A" District and any uses not specifically

permitted by this Section are prohibited in the Residence "R" District.

### **# SECTION 3. RESIDENCE "R1" DISTRICT**

#### **Purpose:**

The R1 District is established to accommodate a variety of housing types suited to the various life styles of individuals and families, including single and multiple-family residences. The objective is to provide for a diversity of housing opportunity and choice within Perry Township. As a result of the higher residential densities, the R1 District is intended to be used in areas served by central water and sewer facilities.

#### **A. Permitted Uses**

1. Any use, building or structure permitted and as regulated in Residence "R" District, except as modified in this Section.
2. Multiple family dwellings and the conversion of single family dwellings to multiple family dwellings.
3. Churches and other places of worship, including Sunday School buildings and parish houses.
4. Public and private schools, including nursery schools and child day care centers.
5. Home occupations.
6. Accessory Uses and buildings customarily incident to any of the above permitted uses.

#### **B. Permitted Uses requiring a Conditional Use Permit from the Board of Zoning Appeals.**

1. Playgrounds, golf courses and other privately or publicly owned outdoor recreational activities (except miniature golf and practice driving ranges, and other similarly uses the chief activity of which is customarily carried on as a business), provided that any building shall be located at least one hundred (100) feet from any residence.
2. Hospitals and institutions of an educational, religious, charitable or philanthropic nature, provided that such building be located at least one hundred (100) feet from any residence.

#### **C. Uses Prohibited.**

1. All uses prohibited in the Residence "R" District and any uses not specifically permitted by this Section are prohibited in the Residence "R1" District.

**SECTION 4. COMMERCIAL "B" DISTRICT****A. Permitted Uses**

1. Any use, building or structure permitted and as regulated in the Residence "R" District, except as modified by this Section.
2. Retail stores or shops, repair shops, mercantile establishments, banks and other financial services.
3. Restaurants, taverns, lunch rooms, diners, including drive-in eating and drinking establishments.
4. Gasoline and motor vehicle fuel filling stations.
5. Business and professional offices, including medical offices and clinics.
6. Barbershops and beauty shops, laundromats and dry cleaning, tailoring and dressmaking, and other similar personal services.
7. Automobile, truck, trailer, mobile home, and other vehicle establishments offering the sale, display, lease, hire, and/or major repair of vehicles.
8. Building material sales and storage yards, including millwork and prefabrication.
9. Bowling alleys, dance halls, billiard and pool halls, skating rinks, and similar indoor recreational uses.
10. Miniature golf courses and practice driving ranges, and similar outdoor recreational uses which are normally operated as a business.
11. Animal hospitals, veterinary clinics and kennels.
12. Wholesale sales and warehouses which are operated within a completely enclosed building.
13. Bottling, creamery and dairy operations, ice cream and candy manufacturing, ice plants and distribution centers.
14. Accessory uses and buildings or structures incident to any of the above permitted uses.
15. Any use determined by the Board of Zoning Appeals to be of the same general character as the above uses.

**B. Permitted Uses requiring a Conditional Use Permit from the Board of Zoning Appeals.**

1. Any Conditional Use as permitted and as regulated in the Residence "R" District.
2. Commercial baseball fields, swimming pools, shooting ranges, and similar outdoor recreational uses.
3. Trucking, express or hauling terminals or transfer terminals including the storage of vehicles.
4. Storage of flammable liquids, above ground, other than for use on the premises.

**C. Uses Prohibited**

Any uses not specifically permitted by this Section are prohibited in the Commercial "B" District.

**SECTION 5. INDUSTRIAL "I" DISTRICT****A. Permitted Uses**

1. Light manufacturing activities, (including the production, processing, assembly, cleaning, testing, and distribution of materials, goods, foodstuffs, and products) provided such activities are carried on within fully enclosed buildings or structures and do not involve or create a dangerous, toxic, hazardous or explosive, non-fuel product as a result of such activity.
2. Light industrial uses such as printing and publishing plants, scientific (research, testing, experimental) and processing laboratories, bulk material or machinery storage, warehouses, trade shops, cleaning, dyeing, and refinishing plants, monument works, light metal fabrication shops, food processing and packing plants, provided such uses are carried on within fully enclosed buildings or structures.
3. Accessory buildings, structures and uses incident to the above permitted uses.
4. Any other light industrial use as determined by the Board of Zoning Appeals to be of the same general character as the above permitted uses.

**B. Permitted Uses requiring a Conditional Use Permit from the Board of Zoning Appeals.**

1. Airports and Heliports.
2. Mixing plants for asphalt, cement, mortar or plaster; fuel generation or resource recovery plants; commercial grain elevators, meat packing and slaughter houses and commercial stockyards operated on a continuing basis.
3. Heavy manufacturing facilities such as foundries and structural metal fabrication plants, chemical distilling or manufacture, motor and rail terminals, or the manufacture of raw materials.
4. Junkyards, provided such use be located not less than one hundred (100) feet from any street, road, residence, school, hospital or human care facility, and is enclosed on all sides by barrier or fence at least six (6) feet in height, and constructed and maintained of non-transparent material so as to obscure the junkyard from ordinary view.
5. Any use or activity that requires unenclosed structures of the storage of bulk materials, equipment, or raw materials, components of finished products or products outside of unenclosed buildings.
6. Any use or activity involving a dangerous, toxic, hazardous or explosive material or non-fuel liquid in the manufacture or process activity or as a finished component, product or by-product.
7. Any other industrial or manufacturing uses as determined by the Board of Zoning Appeals to be of a similar character as the above permitted uses and will not emit noise, dust, vibration, heat, odor or other negative effects beyond the limits of its lot.

**C. Uses Prohibited**

Any use or activities not specifically provided for by this Section are prohibited in the Industrial "I" District.

## **@ Article 7 Nonconformities**

### **Section 1 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, are deemed to be legal nonconformities. 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, or 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 structures) prohibited elsewhere in the District, without the approval of the Board of Zoning Appeals, except as otherwise specifically provided for in this Resolution.

### **Section 2 Uses under conditional use provisions**

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.

### **Section 3 Certificates for nonconforming uses**

The Zoning Administrator may upon his 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. A 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 Administrator, who shall maintain as a public record a file of all such certificates.

### **Section 4 Substitution of nonconforming uses**

So long as no structural alterations are made, except as required by enforcement of other codes or resolutions, any nonconforming use may, upon appeal to and approval by the Board of Zoning Appeals, be changed to another nonconforming use of the same classification or of a less intensive classification, or the Board shall find that the use proposed for substitution is equally appropriate or more appropriate to the District than the existing nonconforming use. In permitting such change, the Board may require that additional conditions and safeguards be met, which requirements shall pertain as stipulated conditions to the approval of such change, and failure to meet such



conditions shall be considered a violation of this Resolution. Whenever a nonconforming use has been changed to a less intensive use or becomes a conforming use, such use shall not thereafter be changed to a more intensive use.

In determining the appropriateness for a "substitution of nonconforming uses" the Board of Zoning Appeals shall, to the best of its ability, examine the degree of positive or negative change in degree of risk to, or impact upon, the Township from factors in, but not necessarily limited to, the following list:

- 1) Frequency of or magnitude of fire services.
- 2) Frequency of or magnitude of need, for law enforcement services.
- 3) Danger from chemical or other hazardous materials.
- 4) Danger to human life from operations or use of land.
- 5) Danger to community from air, water, and/or land pollution.
- 6) Density of population residing in, employed in, or visiting the land or buildings.
- 7) Impact upon pedestrian traffic.
- 8) Impact upon vehicular traffic.
- 9) Impact upon parking within and without the premises.
- 10) Impact of noise upon neighboring properties.
- 11) Impact of lighting upon neighboring properties.
- 12) Interference to the circulation of air, light, and/or water.
- 13) Impact upon water supply and sewer system.
- 14) Visual impact upon surrounding properties.
- 15) Economic impact upon surrounding properties and/or the Township.
- 16) Compatibility with surrounding community character.
- 17) Impact on the general health, safety and welfare of the surrounding properties and township as a whole.

**Section 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.

**Section 6 Nonconforming uses of land**

Where, at the time of adoption of this Resolution, lawful uses of land exist which would not be permitted by the regulations imposed by this Resolution, the uses may be continued so long as they remain otherwise lawful, provided:

- 1) No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Resolution.
- 2) No such nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this Resolution.
- 3) If any such nonconforming uses of land are voluntarily discontinued or



abandoned for more than two (2) years (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this Resolution for the District in which such land is located.

- 4) No additional structure not conforming to the requirements of this Resolution shall be erected in connection with such nonconforming use of land.

#### **Section 7 Nonconforming structures**

Where a lawful structure exists at the effective date of adoption or amendment of this Resolution that could not be built under the terms of this Resolution by reason of restrictions on area, lot coverage, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 1) No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity;
- 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;
- 3) 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;
- 4) 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 thereafter be used except in conformity with the regulations of the District in which it is located.

#### **Section 8 Nonconforming use by damage or destruction**

In the event that any nonconforming building or structure is damaged or destroyed, repairs or rebuilding shall be permitted under the following conditions:

- 1) A zoning certificate pertaining to such restoration shall be applied for and issued within one (1) year of such destruction, and rebuilding shall be diligently pursued to completion.
- 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.

#### **Section 9 Repairs and maintenance of nonconforming structures**

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 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 8 ENFORCEMENT**

### **SECTION 1. ZONING INSPECTOR**

- A. It shall be the duty of the Zoning Inspector, who shall be appointed by the Perry Township Board of Trustees, to enforce this Resolution. It shall also be the duty of all officials and employees of the Township to assist the Zoning Inspector by reporting to him any new construction, land uses, or upon seeing violations.
- B. Appeal from the decision of the Zoning Inspector may be made to the Board of Zoning Appeals, as provided in Article 10, Section 2.

### **SECTION 2. FILING PLANS**

- A. Every application for a zoning certificate shall be accompanied by a sketch or drawing indicating the location of all buildings or structures to be erected in relation to all property lines and street lines.

### **SECTION 3. ZONING CERTIFICATE**

- A. It shall be a violation of this Resolution for an owner to use or to permit the use of any building, premises or land, except for agricultural purposes, until a zoning certificate shall have been issued by the Zoning Inspector. Such certificate shall show that such building or premises, and the proposed use thereof, are in conformity with the provisions of this Resolution. No zoning certificate for construction shall be issued by the Zoning Inspector unless the plans and intended use conform to the provisions of this Resolution.

### **SECTION 4. CONDITIONS UNDER WHICH ZONING CERTIFICATES ARE REQUIRED**

- A. Zoning certificate shall be required for any of the following:
  - 1) Construction of any building, excluding agricultural buildings;
  - 2) @ Any moveable or portable building/shed in excess of two hundred (200) square feet
  - 3) Change in the use of an existing building to a use of a different zoning classification, excluding a change to any agricultural use;
  - 4) Occupancy and use of vacant land; excluding agricultural use;
  - 5) Change in the use of land to a use of a different classification, including a change in the use to a non-conforming use.
- B. Zoning Permits Required - No Building or other structure shall be erected, moved, added to or structurally altered nor shall any building, structure, or land be established or changed in use without a permit issued by the Zoning Inspector. Zoning permits shall be used 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. Any existing building or structure, not in conformance with the provisions of this Resolution, shall not be moved, added to or altered in a manner that would cause further non conformance with the provisions of this Resolution.

### **SECTION 5. APPLICATION AND ISSUANCE OF ZONING CERTIFICATE**

Written application for a zoning certificate for the construction of a building, change in the use of an existing building, use of vacant land, or the change in the use of land to a non-conforming use, shall be made to the Zoning Inspector. If the proposed use is

in conformance with the provisions of this Resolution, the Zoning Inspector shall issue the Zoning Certificate within ten (10) days after the application has been made.

#### **SECTION 6. VIOLATIONS AND PENALTIES**

It shall be a violation of this Resolution to locate, erect, construct, change or use any building or land contrary to the provisions of this Resolution or any amendment or supplement as adopted by the Board of Township Trustees. Any person, firm, or corporation violating any provision or regulation of this Resolution or any amendment or supplement thereto, shall be deemed guilty of a misdemeanor and, upon conviction thereof, be fined not more than one hundred (\$100.00) dollars. Each and every day such violation continues may be deemed a separate offense.

#### **SECTION 7. VIOLATIONS AND REMEDIES**

In the event any building is or is proposed to be located, erected, constructed, changed or used, or any land is or is proposed to be used in violation of this Resolution or any amendment or supplement thereto, the Zoning Inspector, the County Prosecutor, or any adjacent property owner, who would be specifically damaged by such violation, may institute such remedies as provided by law to prevent, enjoin, abate or remove such violation.

#### **# SECTION 8. EXPIRATION OF ZONING CERTIFICATE**

The work or use authorized by any Zoning Certificate, Permit for a Variance, Contingent Use or permit for a Conditional Use, must be commenced within six (6) months or the date of issuance of such Certificate or Permit, other wise the same shall lapse and become null and void unless this time period is extended by the Zoning Inspector for good cause. All work so authorized shall be completed within twelve (12) months from the issuance unless this time period is extended by the Zoning Inspector for good cause.

### **ARTICLE 9 BOARD OF ZONING APPEALS**

#### **SECTION 1. ORGANIZATION AND PROCEDURE**

- A. Appointment. A Township Board of Zoning Appeals is hereby created. The Board shall consist of five (5) members, to be appointed by the Township Trustees. Members shall be residents from the unincorporated area of Perry Township, Brown County, Ohio. The terms of all members shall be of such length and so arrange that the term of one (1) member will expire each year. Each member shall serve until his successor is appointed and qualified. Members of the Board shall be removable for non-performance of duty, misconduct in office, or other cause, by the Trustees, upon written charges having been filed with the Trustees and after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least (10) days prior to the hearing, either personally or by registered mail, or by leaving the same at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall

be filled by the Trustees and shall be for the unexpired term.

- B. **Organization and Procedure.** The Board shall organize and adopt rules for its own government not inconsistent with law or with any other Resolutions of the Township.
1. Meetings of the Board shall be held at the call of the Chairman, and at such other times as the Board may determine. The Chairman, or in his absence, the Acting Chairman, may administer oaths and the Board may compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Office of the Township Clerk and shall be a public record.
  2. Quorum. Three (3) members of the Board shall constitute a quorum. The Board shall act by Resolution, and the concurring vote of three (3) members of the Board shall be necessary to reverse any order or determination of the Zoning Inspector, or to decide in favor of an applicant in any matter of which the Board has original jurisdiction under this Resolution or to grant any variance from the requirements stipulated in this Resolution.

## **SECTION 2. APPLICATION AND APPEALS**

**A. Applications.** An application, in cases in which the Board has original jurisdiction under the provisions of this Resolution, may be taken by any property owner, including a tenant, or by a governmental officer, department, board of bureau. Such application shall be filed with the Zoning Inspector who shall transmit same to the Board.

### **B. Appeals.**

1. An appeal to the Board may be taken by any person allegedly aggrieved or by an officer 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 thereof. The Zoning Inspector shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.
2. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector shall certify to the Board of Zoning Appeals after the notice of appeal shall have been filed with it that by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property, in which case, proceedings shall not be stayed otherwise than by a restraining order issued by a court of equity.
3. The Board may, in conformity with the provisions of this Article, reverse or affirm, wholly or partly, or may modify the order, requirements decision or determination appealed from, and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises; and to the end, shall have all powers of the Zoning Inspector from whom the appeal is taken.

## **SECTION 3. HEARINGS**

- A. The Board shall fix a reasonable time for the hearing of an appeal, give public notice thereof and at least ten (10) days notice to parties in interest, and decide upon the appeal within a reasonable time after it is submitted. Each application or notice of appeal shall be accompanied by the fee payable to Perry Township, which will be



credited to the Township Zoning Fund, herein specified. At this hearing, any party may appear in person or by attorney.

- B. The hearing of the Board shall be public.
- C. Upon the day for hearing any application or appeal, the Board may adjourn the hearing in order to permit the obtaining of additional information or to cause such further notice as it deems proper to be served upon such other property owners as it decides may be substantially interested in said application or appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing unless the Board so decides.

#### **SECTION 4. DECISIONS OF THE BOARD**

- A. The Board shall decide all applications and appeals within thirty (30) days after the final hearing thereon.
- B. A certified copy of the Board's decision shall be transmitted to all parties in interest. Such decision shall be binding upon the Zoning Inspector and observed by him and he shall incorporate the terms and conditions of the same in the permit to the applicant or appellant, whenever a permit is authorized by the Board.
- C. A decision of the Board shall not become final until the expiration of five (5) days from the date such decision is made, unless the Board shall find the immediate taking effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.

#### **SECTION 5. POWERS OF THE BOARD OF APPEALS**

##### **A. Conditional Uses.**

The Board shall have the power to hear and decide, in accordance with the provisions of this Resolution, applications, filed as hereinbefore provided, for conditional uses, for interpretation of the Zoning Map, or for decisions upon other special questions on which the Board is authorized by the Resolution to pass. In considering an application for a conditional use, or interpretation of the Zoning Map, the Board shall give due regard to the nature and conditional use or, the Board may impose such requirements and conditions with respect to location, construction, maintenance and operation - in addition to those expressly stipulated in this Resolution for the particular conditional use - as the Board may deem necessary for the protection of adjacent properties and the public interest.

In addition to permitting the conditional uses hereinbefore specified, the Board shall have the power to permit the following conditional uses:

##### **1. Non-Conforming Uses.**

The substitution for non-conforming use existing at the time of enactment of this resolution, for another non-conforming use, if no structural alterations except those required by law or resolution are made.

##### **2. Extension of Use on Border of District.**

The extension of a use or building into a more restricted district immediate adjacent thereto, but not more than twenty-five (25) feet beyond the dividing line of the two

districts, under such conditions as will safeguard development in the more restricted district.

### **3. Temporary Structures and Uses.**

The temporary use of a structure or premises in any district for a purpose or use that does not conform to the regulations prescribed elsewhere in this Resolution for the district in which it is located, provided that such use be of a temporary nature and does not involve the erection of a substantial structure. A zoning certificate for such use shall be granted in the form of a temporary and revocable permit, for not more than a twelve(12) month period, subject to such conditions as will safeguard the public health, safety, convenience and general welfare.

### **B. Interpretation of District Map.**

Where the street or lot layout actually on the ground, or as recorded, differs from street and lot lines as shown on the Zoning Map, the Board, after notice to the owners of the property and after public hearing, shall interpret the map in such a way as to carry out the intent and purpose of this Resolution. In case of any question as to the location of any boundary line between zoning districts, a request for interpretation of the Zoning Map may be made to the Board and a determination shall be made by said Board.

### **C. Administrative Review and Variances**

1. **Administrative Review.** The Board shall have the power to hear and decide appeals, filed as herein provided, where it is alleged by the appellant that there is error in any order, requirement, decision, grant, or refusal made by the Zoning Inspector or other official in the interpretation or of the provisions of this Resolution.
2. **Variances.** The Board shall have the power to authorize upon appeal in specific cases, filed as herein provided, such variances from the provisions or requirements of this Resolution as will not be contrary to the public interest; but only in such cases where, owing to special conditions pertaining to a specific piece of property, the literal enforcement of the provisions or requirements of this Resolution would cause undue and unnecessary hardship.
3. Where, by reason of the exceptional narrowness, shallowness, or unusual shape of a specific piece of property on the effective date of this Resolution or by reason of exceptional topographical conditions or other extraordinary situation or condition of such piece of property, or of the use or development of property immediately adjoining the piece of property in question, the literal enforcement of the requirements of this Resolution would involve practical difficulties or would cause undue hardship - necessary to carry out the spirit and purpose of this Resolution - the Board shall have the power to authorize a variance, from such strict application, so as to relieve such hardship, and so that the spirit and purpose of this Resolution shall be observed and substantial justice done. In authorizing a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the interest of the furtherance of the purposes of the Resolution and in the public interest. In



authorizing a variance, with attached conditions, the Board shall require such evidence and guarantee or bond as it may deem necessary that the conditions attached are being and will be complied with.

4. No such variance in the provisions or requirements of this Resolution shall be authorized by the Board unless the Board finds, beyond reasonable doubt, that all the following facts and conditions exist:
  - (a) That there are exceptional or extraordinary circumstances or conditions applying to the property in question, or to the intended use of the property that do not apply generally to the other properties or classes of uses in the same zoning district.
  - (b) That such variance is necessary for the preservation and enjoyment of substantial property rights, possessed by other properties in the same zoning district and in the same vicinity.
  - (c) That the authorizing of such variance will not be of substantial detriment to adjacent property, and will not materially impair the purpose of this Resolution or the public interest.
5. No grant of a variance shall be authorized unless the Board specifically finds that the condition or situation of the specific piece of property or the intended use of said property for which variance is sought - one or the other or in combination - is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.
6. General. In exercising its power, the Board may, in conformity with the provisions of State Statutes and of this Resolution, reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all powers of the office from whom the appeal is taken.

#### **ARTICLE 10 INTERPRETATION, PURPOSE AND CONFLICT**

In interpreting and applying the provisions of this Resolution, they shall be held to the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and 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. It is not intended by this Resolution to interfere with or abrogate or annul any resolution, rules, regulations or permits previously adopted or issued, and is not intended to conflict with any of the provisions of this Resolution, or which shall be adopted or issued, pursuant to law relating to the use of buildings, nor is it intended by this Resolution to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided however, that where this Resolution imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces or larger lot areas that are imposed or required by such other resolution or agreements, the provisions of this Resolution shall control.

#### **ARTICLE 11 DISTRICT CHANGES AND RESOLUTION**

## **AMENDMENTS**

### **SECTION 1. INITIATION OF AMENDMENTS OR SUPPLEMENTS**

Amendments or supplements to the Zoning Resolution may be initiated by motion of the Township Zoning Commission, by the passage of a resolution therefore by the Board of Township Trustees or by the filing of an application therefore by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment or supplement with the Township Zoning Commission. The Board of Township Trustees shall upon the passage of such resolution certify it to the Township Zoning Commission.

### **SECTION 2. APPLICATION PROCEDURE FOR CHANGE IN ZONING DISTRICTS**

- A. Applications for any change of district boundaries or classifications of property as shown on the Zoning Map, shall be submitted to the Commission, at its public office, upon such forms, and shall be accompanied by such data and information, as may be and shall be accompanied by such data and information, as may be prescribed for that purpose by the Commission, so as to assure the fullest practicable presentation of the facts for the permanent record. Each such application shall be verified by at least one of the owners or lessees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the applications. Applications for amendments initiated by the Commission shall be accompanied by its motion pertaining to such proposed amendment.
- B. Names and Addresses of Adjacent Property Owners. Any person or persons desiring a change in the zoning classification of property shall file, with the application for such change a statement giving the names and addresses of the owners of all properties lying within two hundred (200) feet of any part of the property the zoning classification of which is proposed to be changed.

### **SECTION 3. PUBLIC HEARING OF ZONING COMMISSION**

- A. Upon the adoption of a motion by the Zoning Commission, or the Certification of a resolution by the Board of Trustees, or filing of an application for an amendment or supplement, the Township Zoning Commission shall set a date for a public hearing thereon, which date shall not be less than twenty (20) nor more than forty (40) days from the date of the adoption of such motion or the certification of such resolution or the date of the filing of such application. Notice of such hearing shall be given by the Township Zoning Commission by one publication in one or more newspapers of general circulation in the township at least ten (10) days before the date of such hearing.
- B. Written notice of the hearing shall be mailed by the Zoning Commission to all owners of property within the contiguous to the area proposed to be reclassified or redistricted by mail ten (10) days before such hearing to the addresses of such owners appearing on the current tax roll list, or duplicate of the county or to the address of the property. The failure of delivery of such notice shall not invalidate any amendment or supplement.
- C. The Township Zoning Commission shall, within thirty (30) days after its hearing, recommend the approval or denial of the proposed amendment or supplement, or the

approval of some modification thereof, and submit such recommendation together with such application or resolution, the text and map pertaining thereto and their recommendation to the Board of Township Trustees.

**SECTION 4. PUBLIC HEARING OF TOWNSHIP TRUSTEES**

- A. The Board of Township Trustees shall, upon receipt of recommendation from the Township Zoning Commission, set a time for a public hearing on such proposed amendment or supplement, which date shall not be more than thirty (30) days from the date of the receipt of such recommendation from the Township Zoning Commission. Notice of such public hearing shall be given by the Board by one publication in one or more newspapers of general circulation in the township, at least ten (10) days before the date of such hearing.
- B. Written notice of the hearing shall be mailed by the Township Clerk to all owners of property within and contiguous to the area proposed to be reclassified or redistricted by mail ten (10) days before such hearing to the addresses of such owners appearing on the current tax roll list, or duplicate of the county or to the address of the property. The failure of delivery of such notice shall not invalidate any amendment or supplement.

**SECTION 5. ACTION OF TOWNSHIP TRUSTEES**

Within twenty (20) days after its public hearing the Perry Township Board of Trustees shall either adopt or deny the recommendations of the Zoning Commission, or adopt some modification thereof. In the event the Township Board of Trustees denies or modifies the recommendation of the Township Zoning Commission the unanimous vote of the Board shall be required.

**SECTION 6. EFFECTIVE DATE AND REFERENDUM**

- A. An amendment or supplement adopted by the Trustees shall become effective in thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment or supplement 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, including in the Zoning Plan, equal to not less than eight (8) percent 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 or supplement to the electors of such area for approval or rejection at the next primary or general election.
- B. No amendment or supplement for which a referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Election that the amendment has been approved by the voters it shall take immediate effect.

**@ SECTION 7. RESCINDING OF DISTRICT CHANGES OR RESOLUTION**

**AMENDMENTS**

The change or use authorized by Zoning District Changes or Resolution Amendments (reason for the district change and/or the intention for use) must be commenced within six (6) months of the effective date; otherwise the same shall lapse and become null and void unless time period is extended by the Zoning Inspector for good cause.

**ARTICLE 12 FEES**

The Township shall charge appropriate fees for the issuance of Zoning Certificates, Conditional Use Certificates, Applications for Interpretation, Variances and Amendment Applications to cover the costs of inspection, investigation, legal notices and other expenses incident to the enforcement of this Resolution. Such fees shall be paid to the Perry Township Clerk to be credited to the Perry Township Zoning Fund in accordance with the Official Zoning Fee Schedule as established by the Perry Township Trustees and posted at the Township Hall.

**ARTICLE 13 VALIDITY**

If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Resolution. All Resolutions or parts of Resolution of Perry Township, in conflict with any regulation, provision, amendment or supplement of this Resolution, are to the extent of such conflict hereby repealed.

**ARTICLE 14 EFFECTIVE DATE**

This Resolution shall be in full force and effect from and after the earliest period allowed by law.

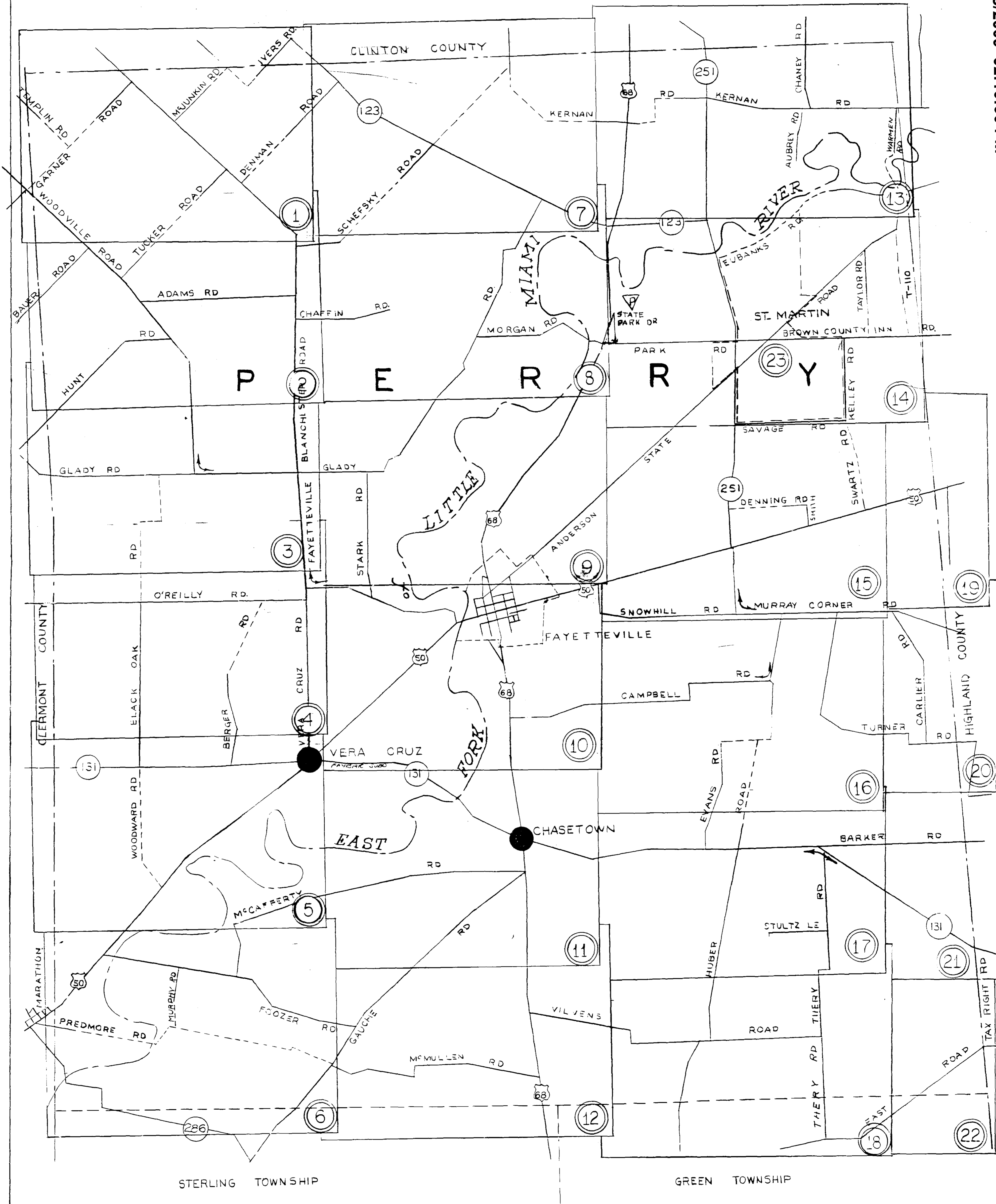
Adopted this April 14, 2008

Signed [Signature] Board of Township Trustees

Signed [Signature] of Perry Township

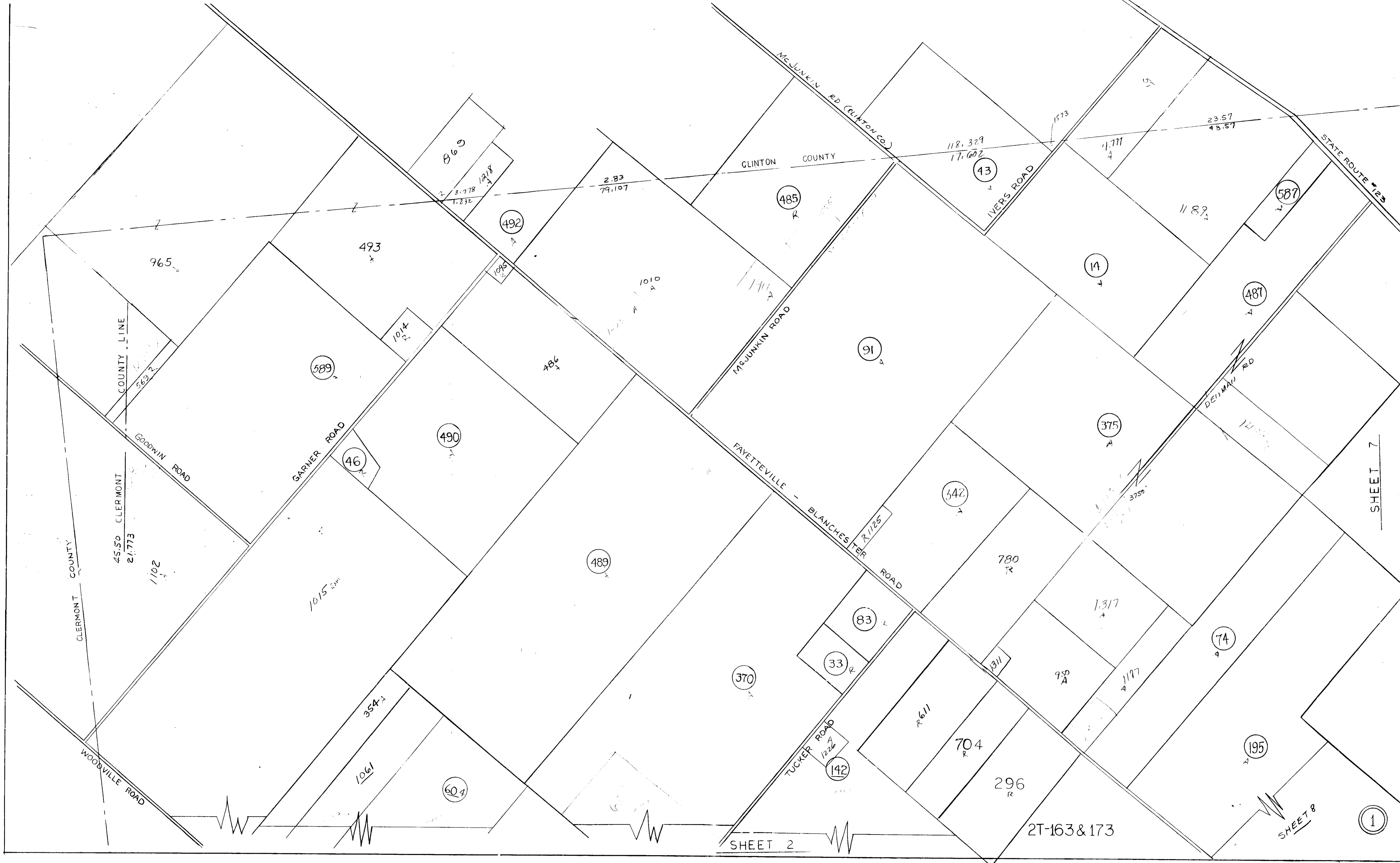
Signed [Signature] Brown County, Ohio





STERLING TOWNSHIP

GREEN TOWNSHIP



Perry

Perry

SHEET 2

2T-163 & 173

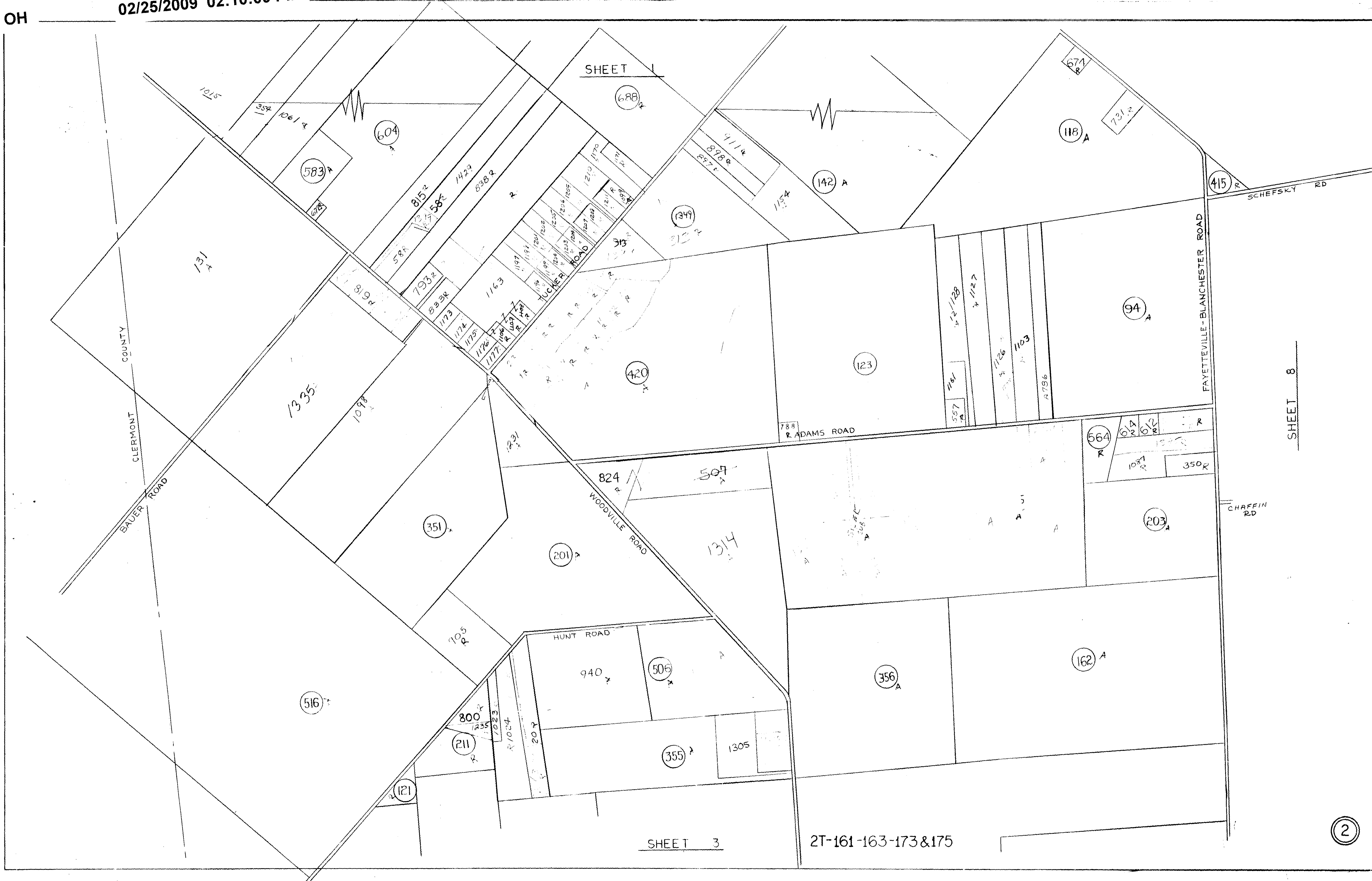
SHEET 8

SHEET 7

1



Perry



SHEET 1

SHEET 3

SHEET 8

2T-161-163-173&175

2

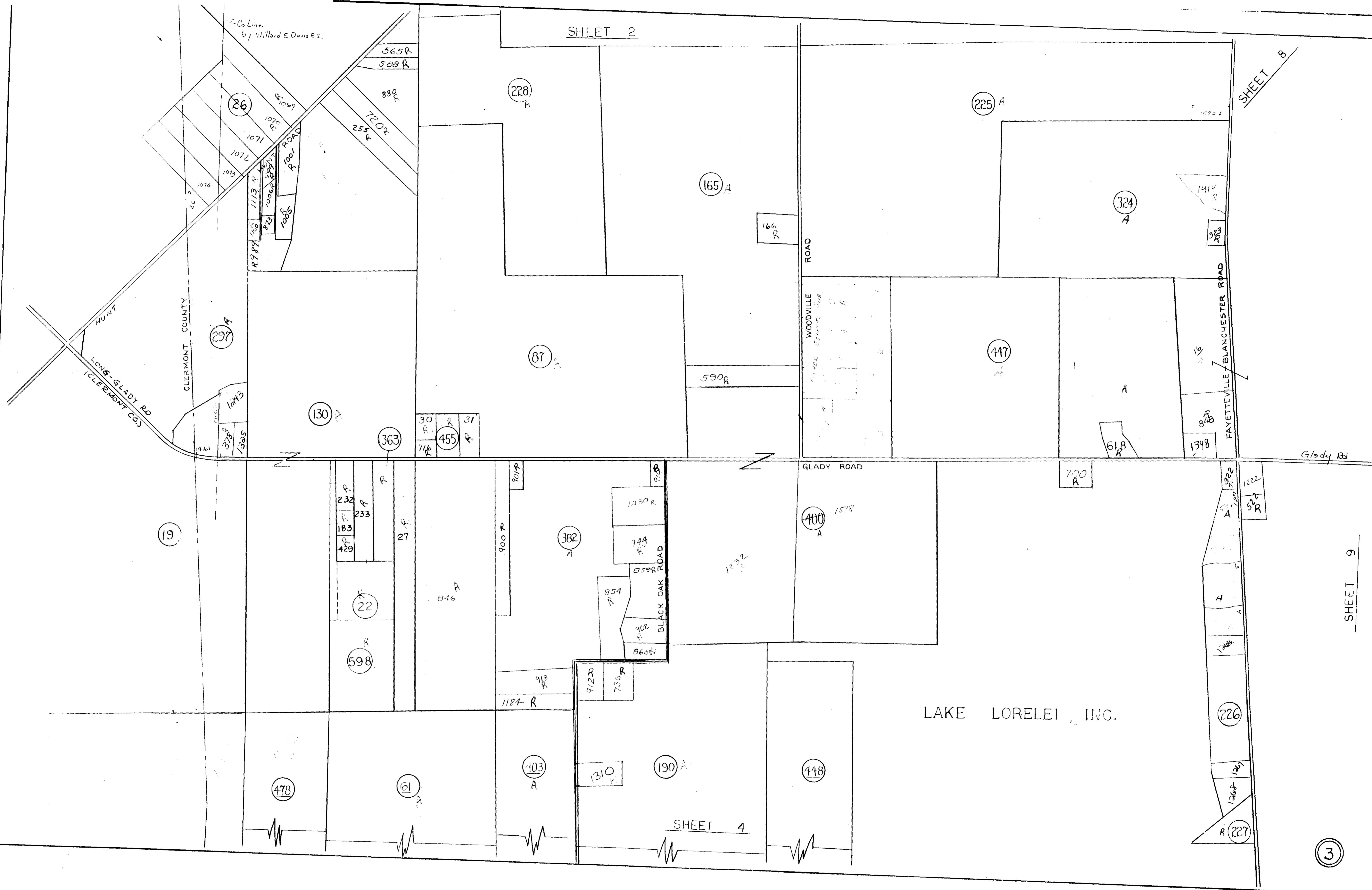
SHEET 2

SHEET 8

SHEET 9

3

2 Co Line  
by Willard E. Davis R.S.



Perry

SHEET 3

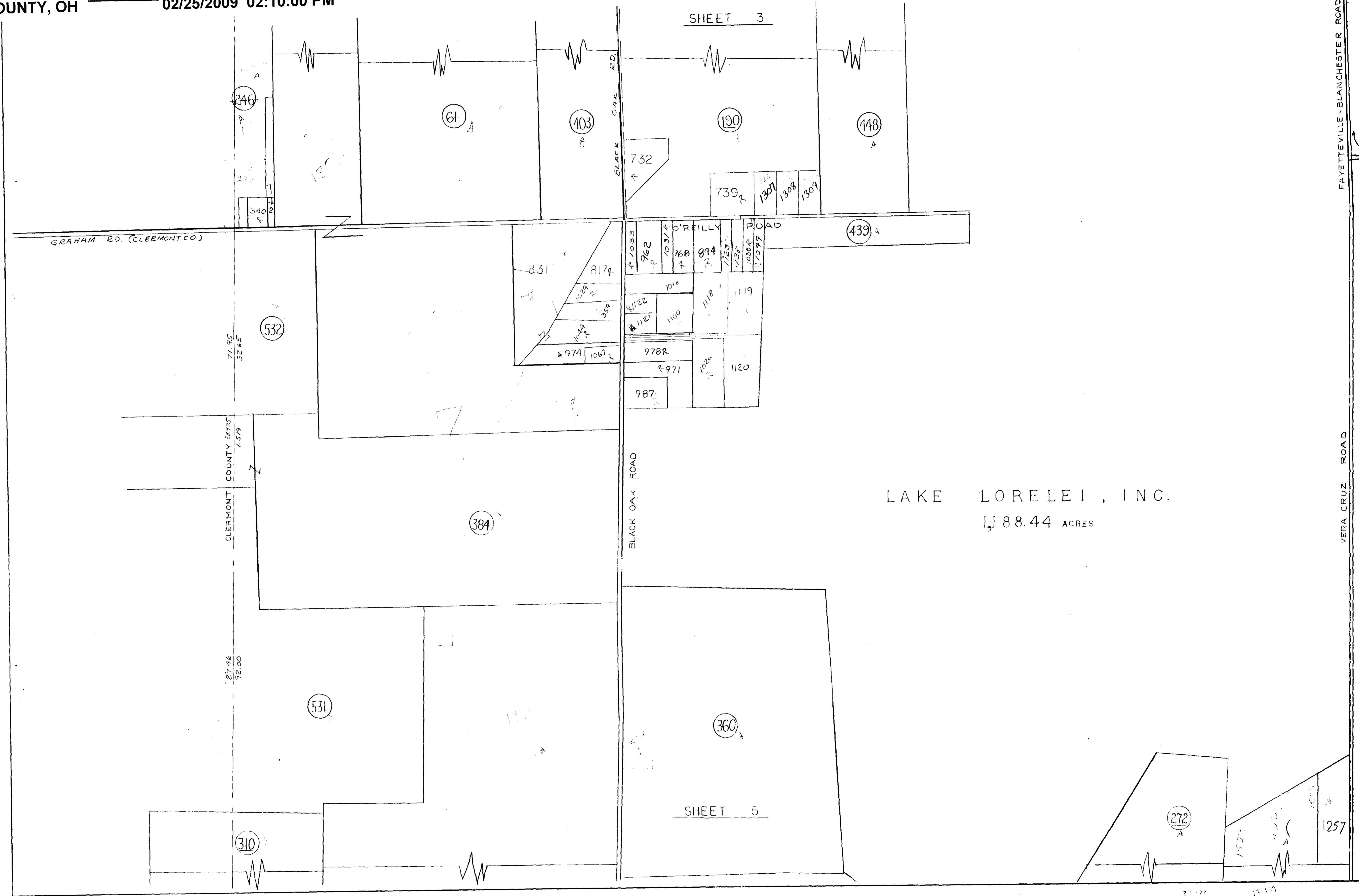
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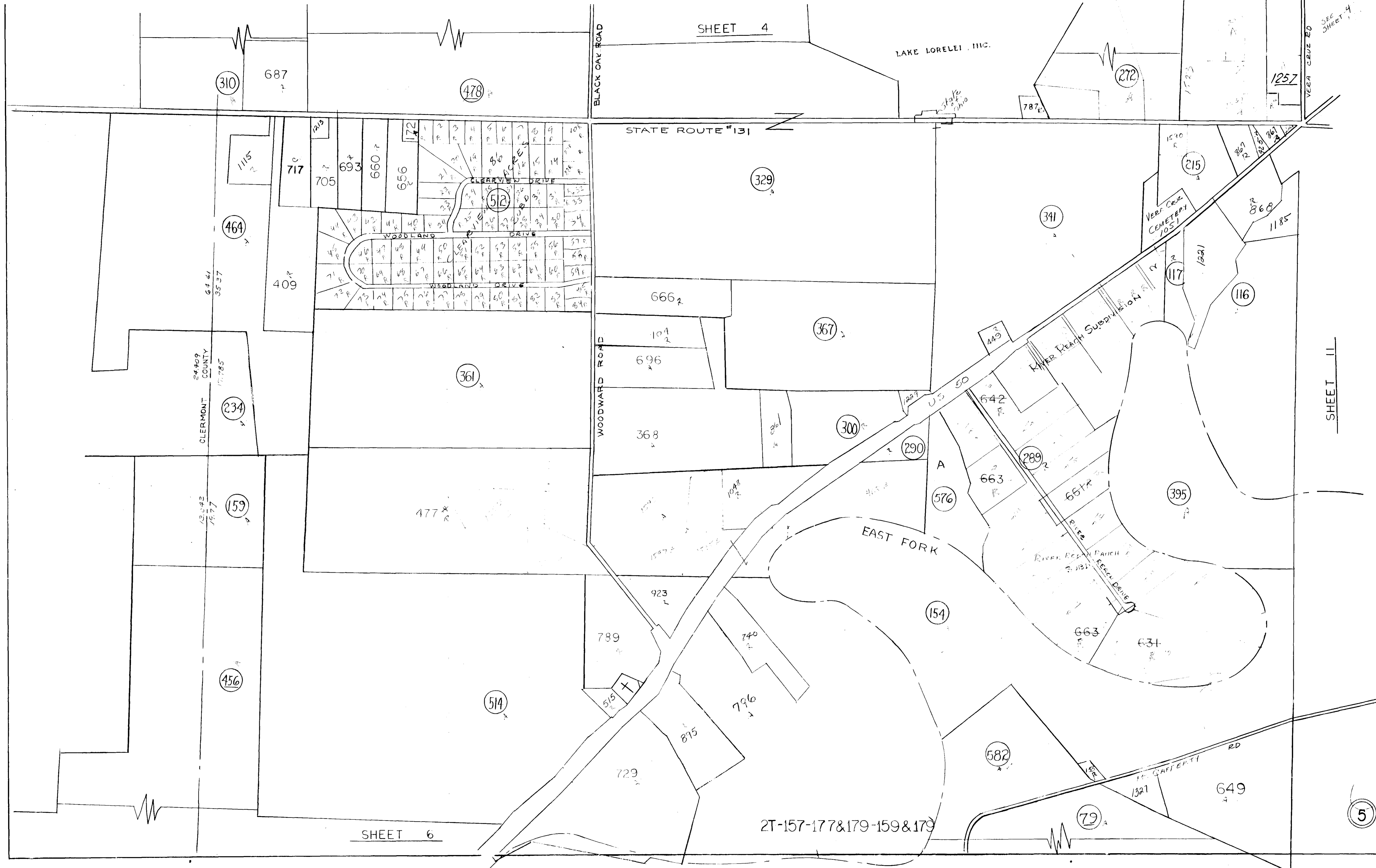
FAYETTEVILLE - BLANCHESTER ROAD

VERA CRUZ ROAD

SHEET 10

4





SHEET 4

SHEET 6

SHEET 11

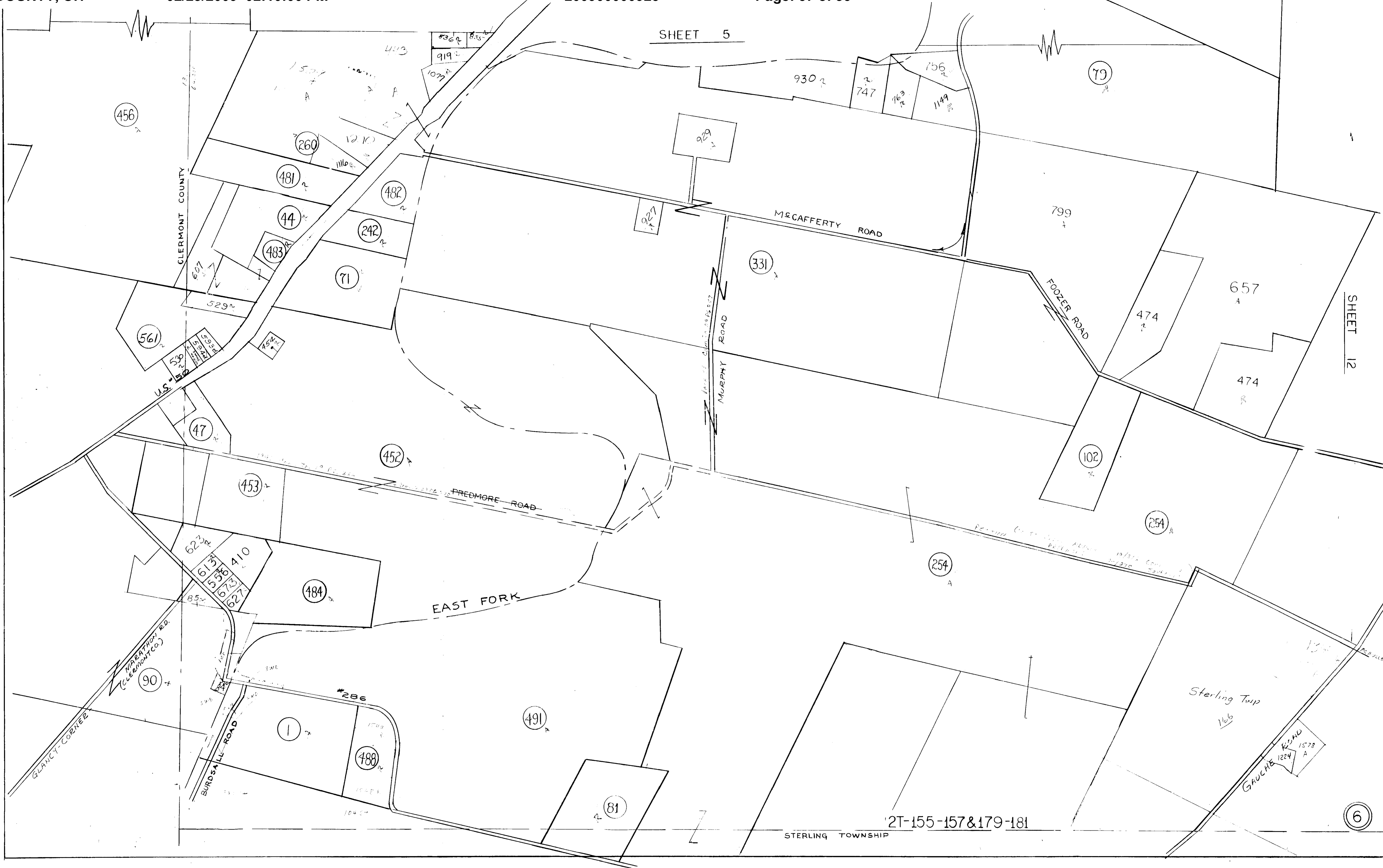
2T-157-177&179-159&179

5

Penny

SHEET 5

SHEET 12



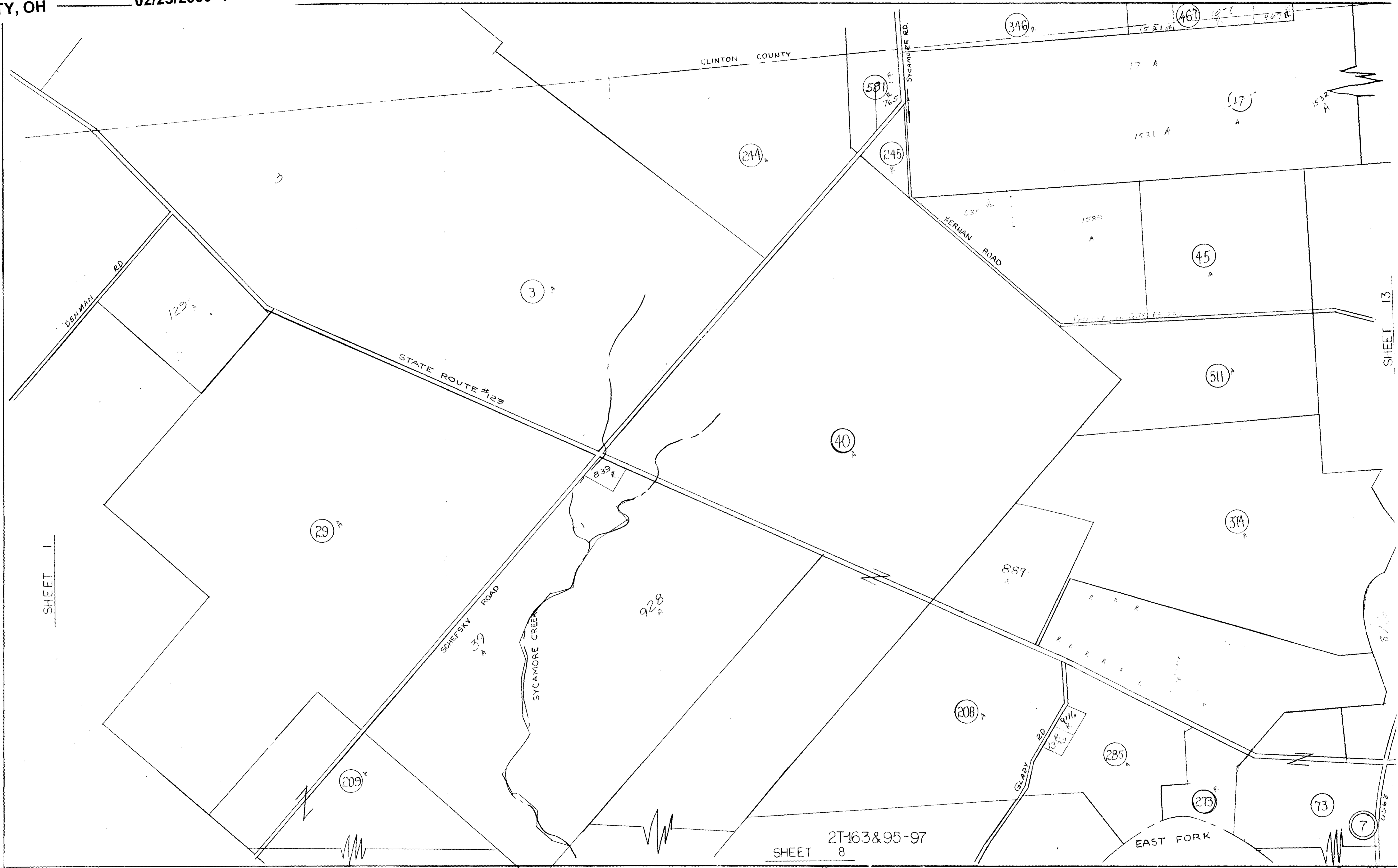
Perry

2T-155-157&179-181

STERLING TOWNSHIP

6





Penny

SHEET 7

SHEET

SCHEFSKY ROAD

STATE ROUTE #123

195

353

209

40

256

347

73

177

670

98

EAST FORK

86

975

536

277

153

204

956

STATE ROUTE #68

SHEET 2

CHAFFIN ROAD

SLADY ROAD

SHEET 14

302, 1009, 916, 977, 928, 948, 964, 723, 1209

957

970

955

317

1155

1117

FAYETTEVILLE - BLANCHESTER ROAD

135

784

SYCAMORE CREEK

315

MORGAN ROAD

PARK RD.

1207

1009

916

977

928

948

964

723

1209

885

952

954

973

955

963

1292

949

433

931

1315

682

324

662

1341

369

942, 1574A

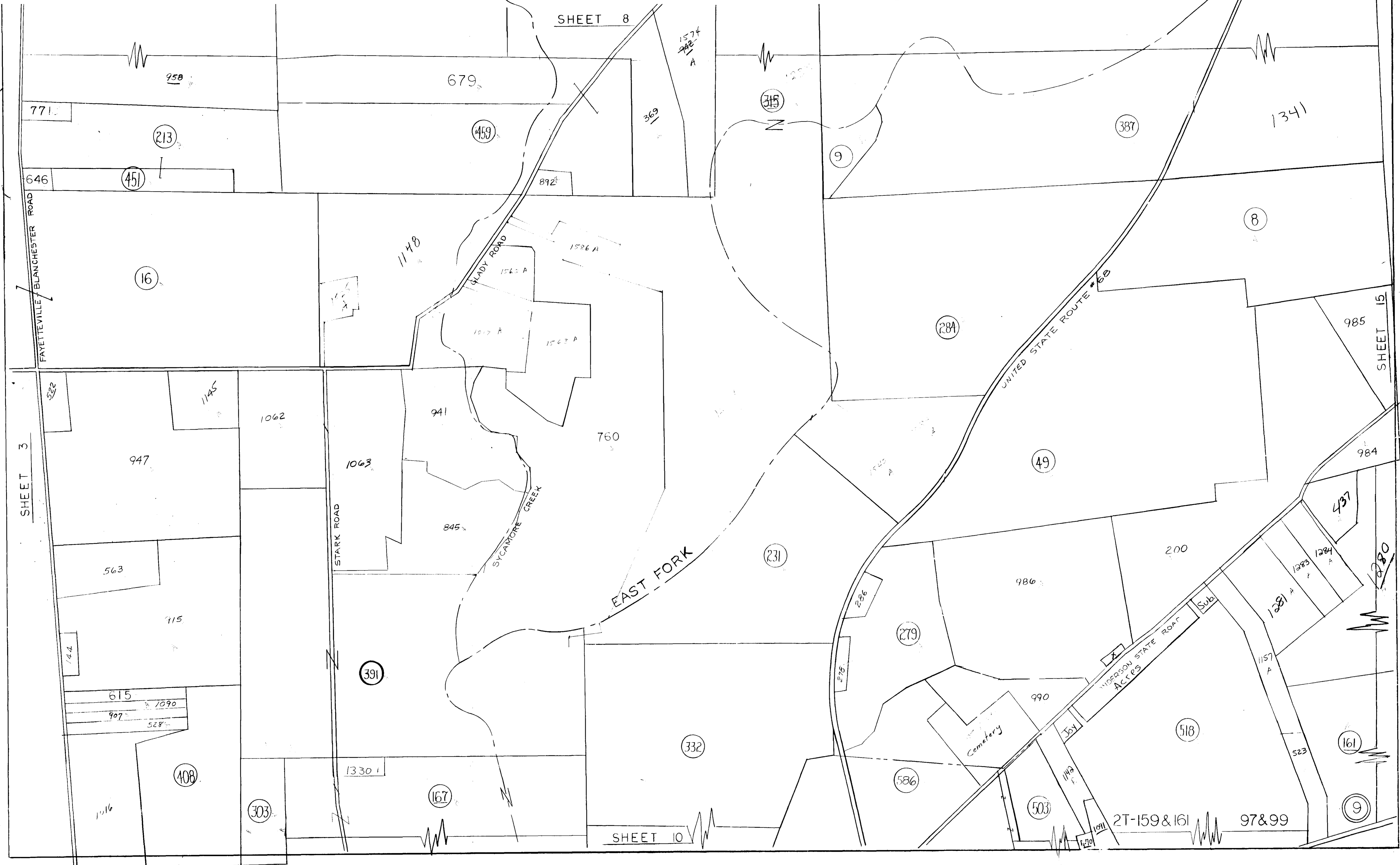
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SHEET 9

2T-161-163 & 97

8

Perry



SHEET 8

SHEET 3

SHEET 10

SHEET 15

2T-159&161

97&99

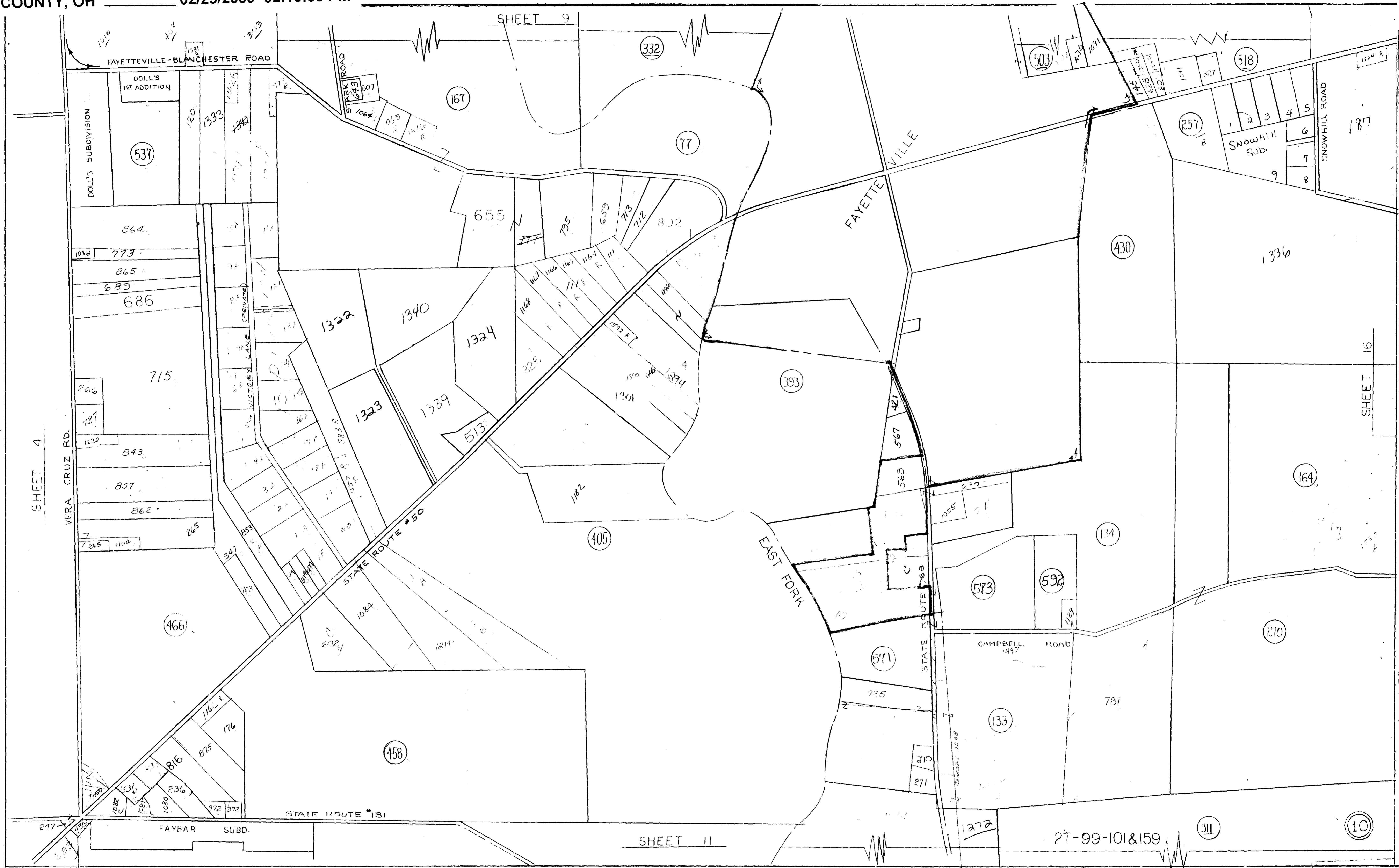
Perry

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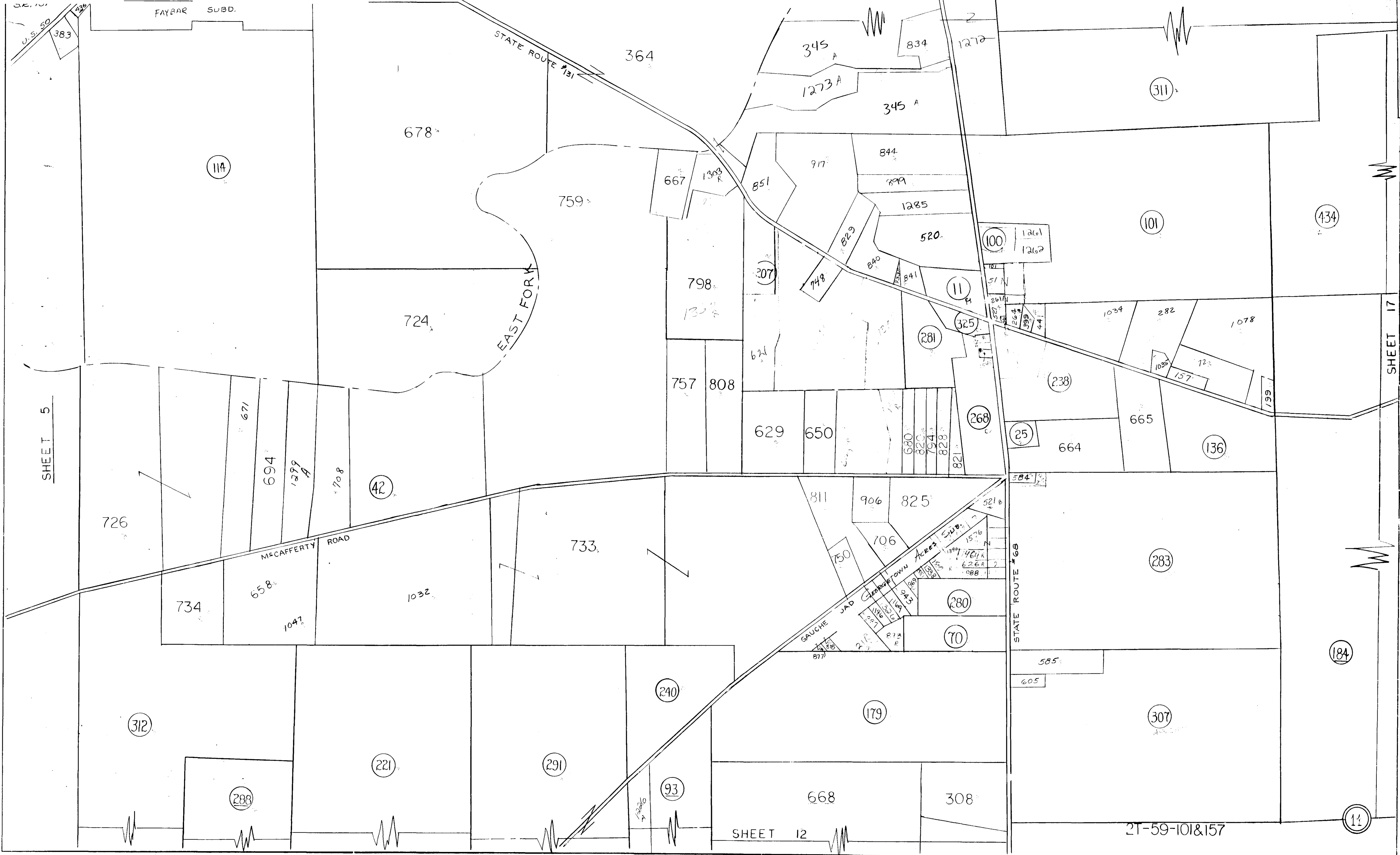
SHEET 11

SHEET 16

Penny







SHEET 5

SHEET 17

SHEET 12

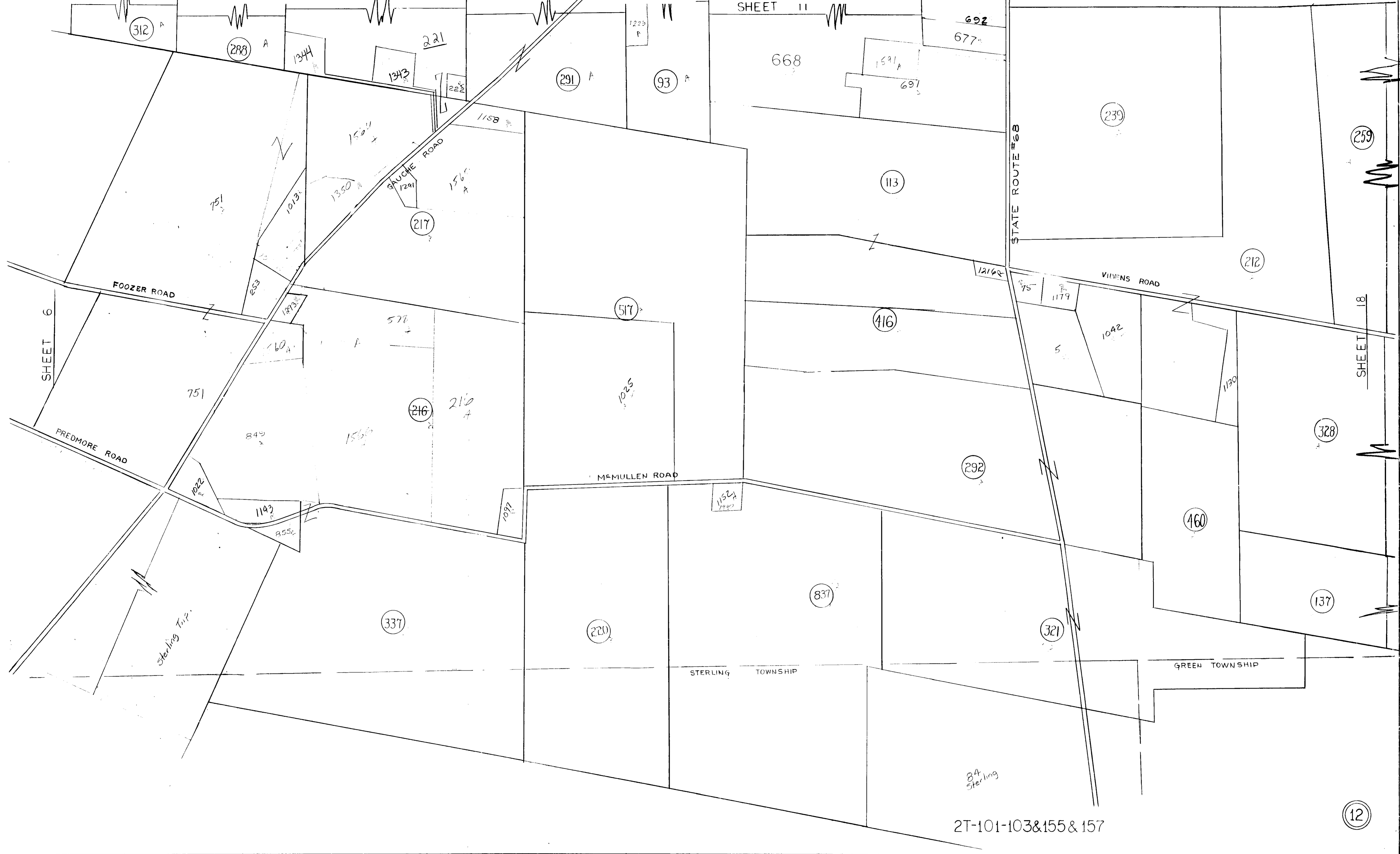
21-59-101&157

Penny

21-101 21-59 15-157



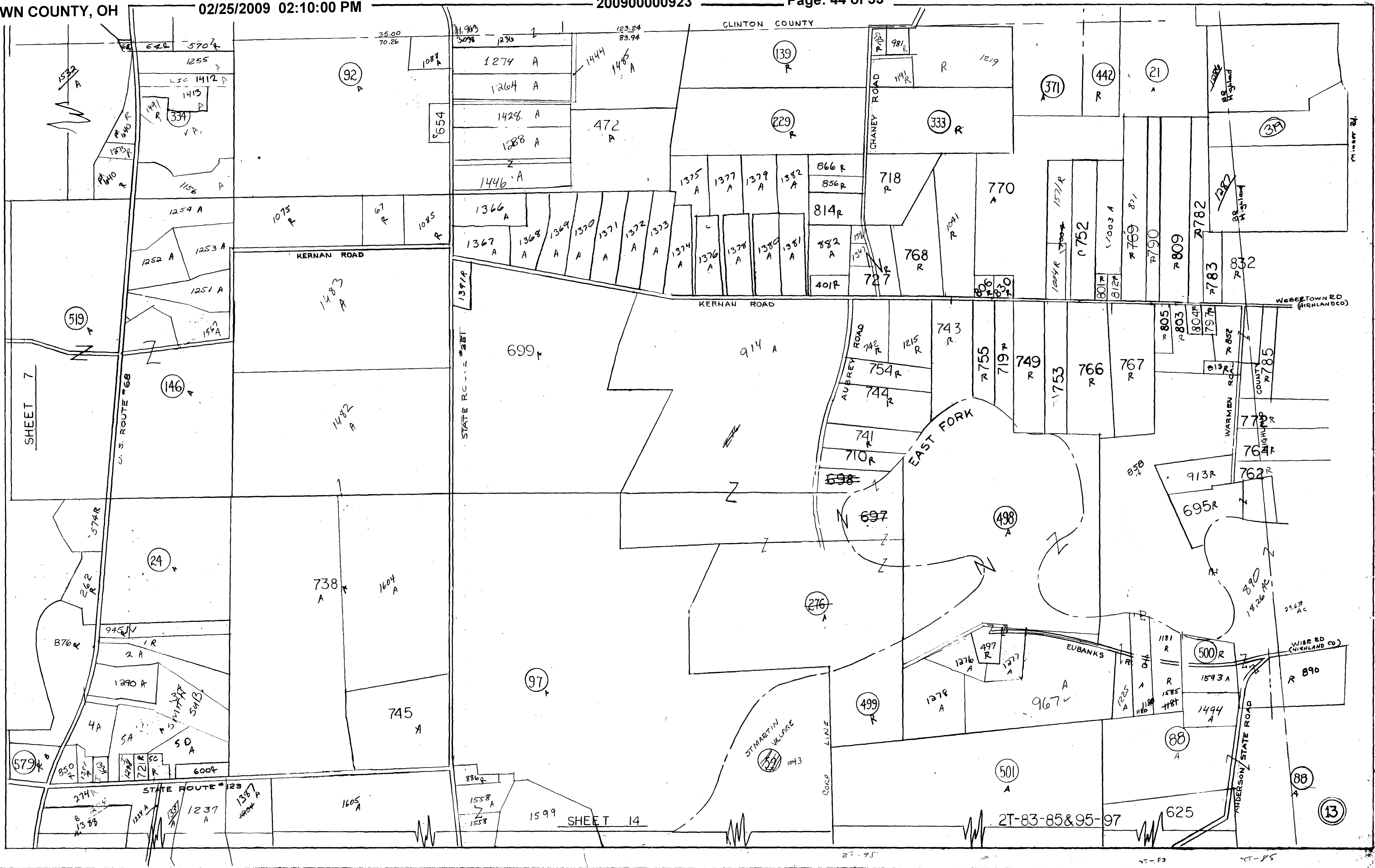
SHEET 11



2T-101-103&155 & 157

12

Perry



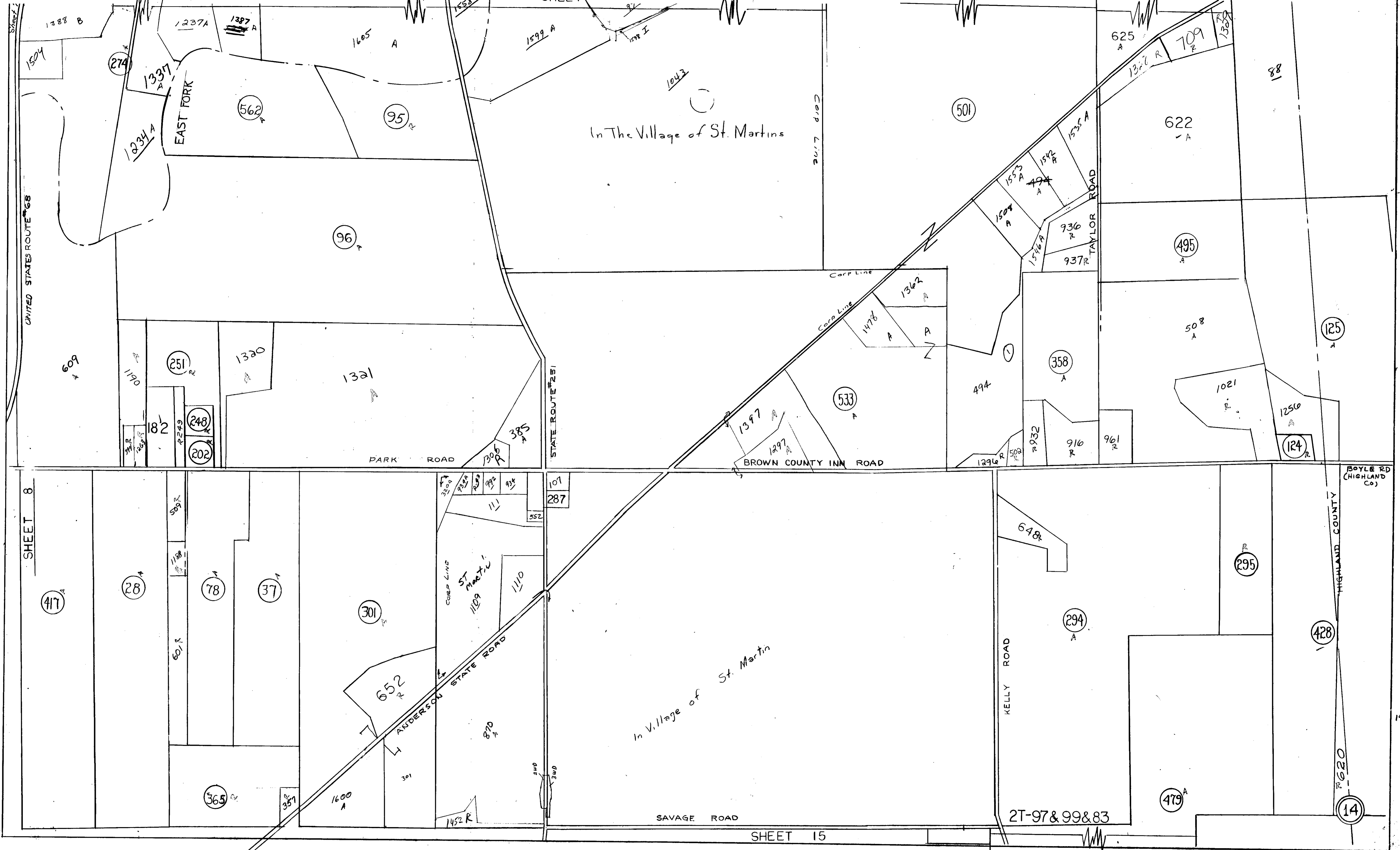
SHEET 14

2T-83-85&95-97

2T-95

2T-F3

2T-95



In The Village of St. Martins

In Village of St. Martin

EAST FORK

DARK ROAD

BROWN COUNTY INN ROAD

SAVAGE ROAD

KELLY ROAD

ANDERSON STATE ROAD

TAYLOR ROAD

UNITED STATES ROUTE 68

SHEET 8

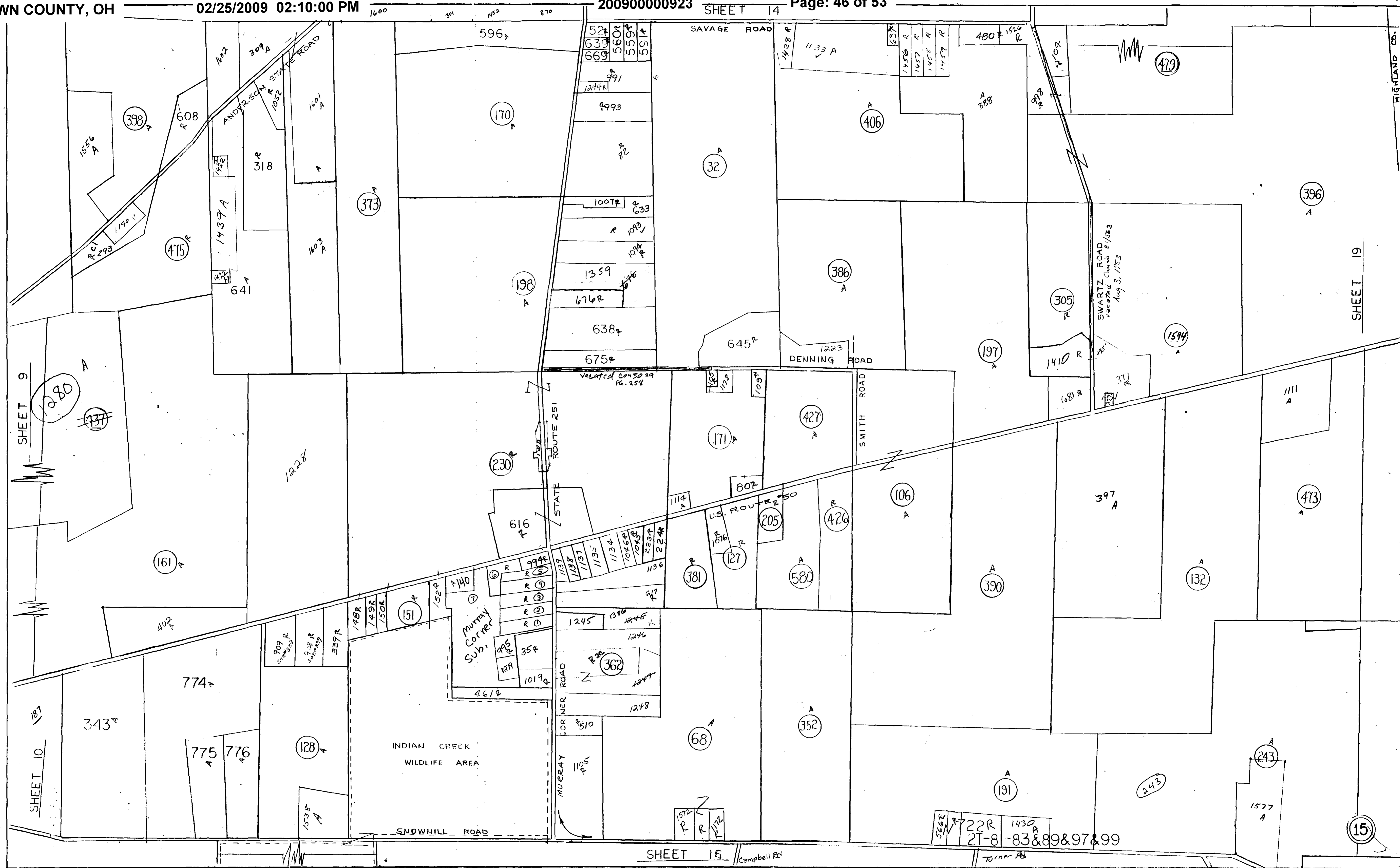
SHEET 15

BOYLE RD (HIGHLAND CO)

HIGHLAND COUNTY

2T-97 & 99 & 83

2T-97 2T-99



Merry

SHEET 9

SHEET 10

SHEET 14

SHEET 19

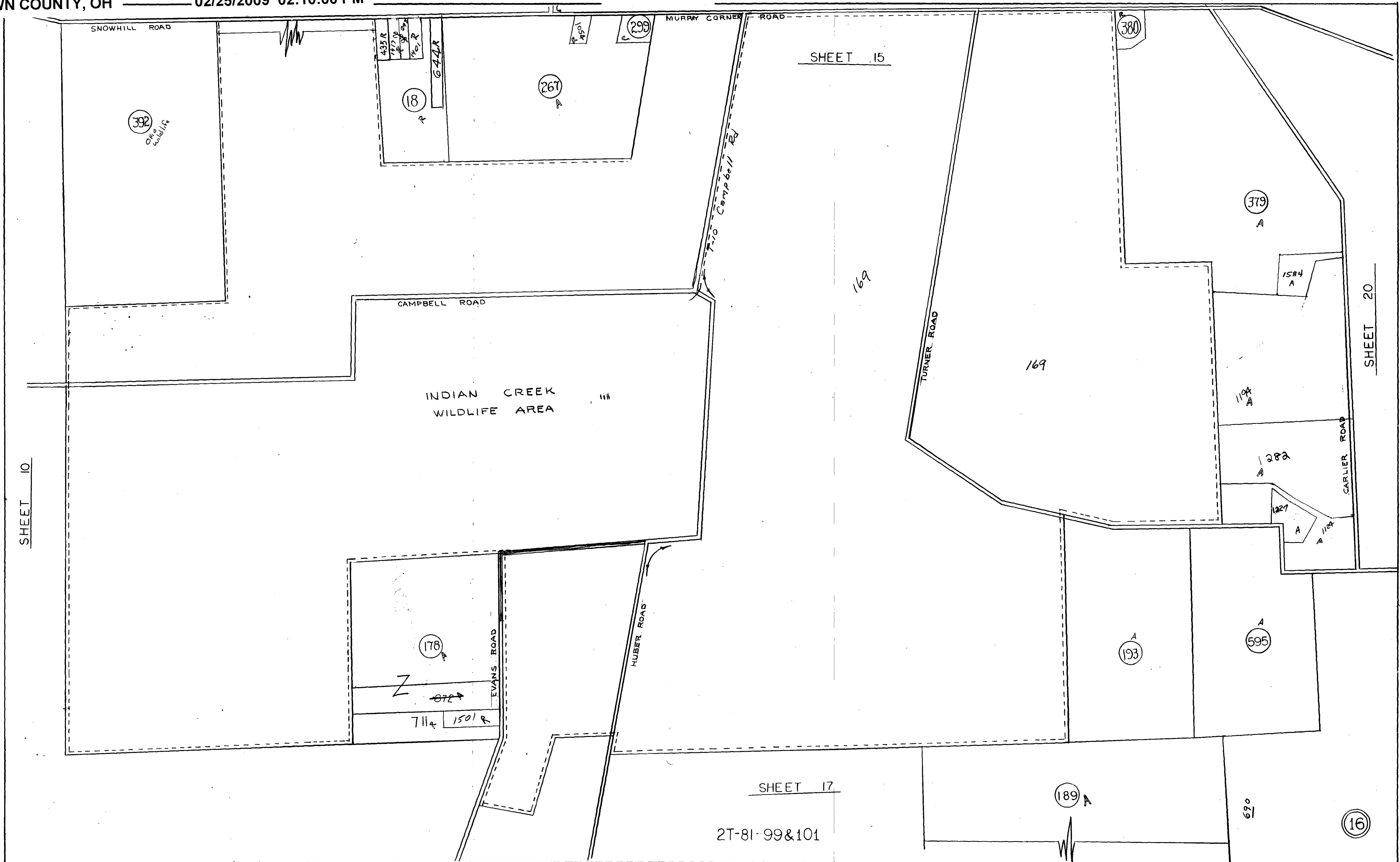
SHEET 15

22R 1430  
2T-8 -83&89&97&99

27-83

2T-99





SHEET 10

SHEET 15

SHEET 17

SHEET 20

INDIAN CREEK WILDLIFE AREA

2T-81-99&101

392  
Olive  
Kendall

18

267

299

178

193

595

189

670

16

169

169

379  
A

1584  
A

1104  
A

282

1227  
A

1104  
A

435R
717R
140R
644R

150

380

SNOWHILL ROAD

MURRAY CORNER ROAD

CAMPBELL ROAD

7-10 Campbell Rd

TURNER ROAD

CARLIER ROAD

EVANS ROAD

HUBER ROAD

Z

872

711

1501

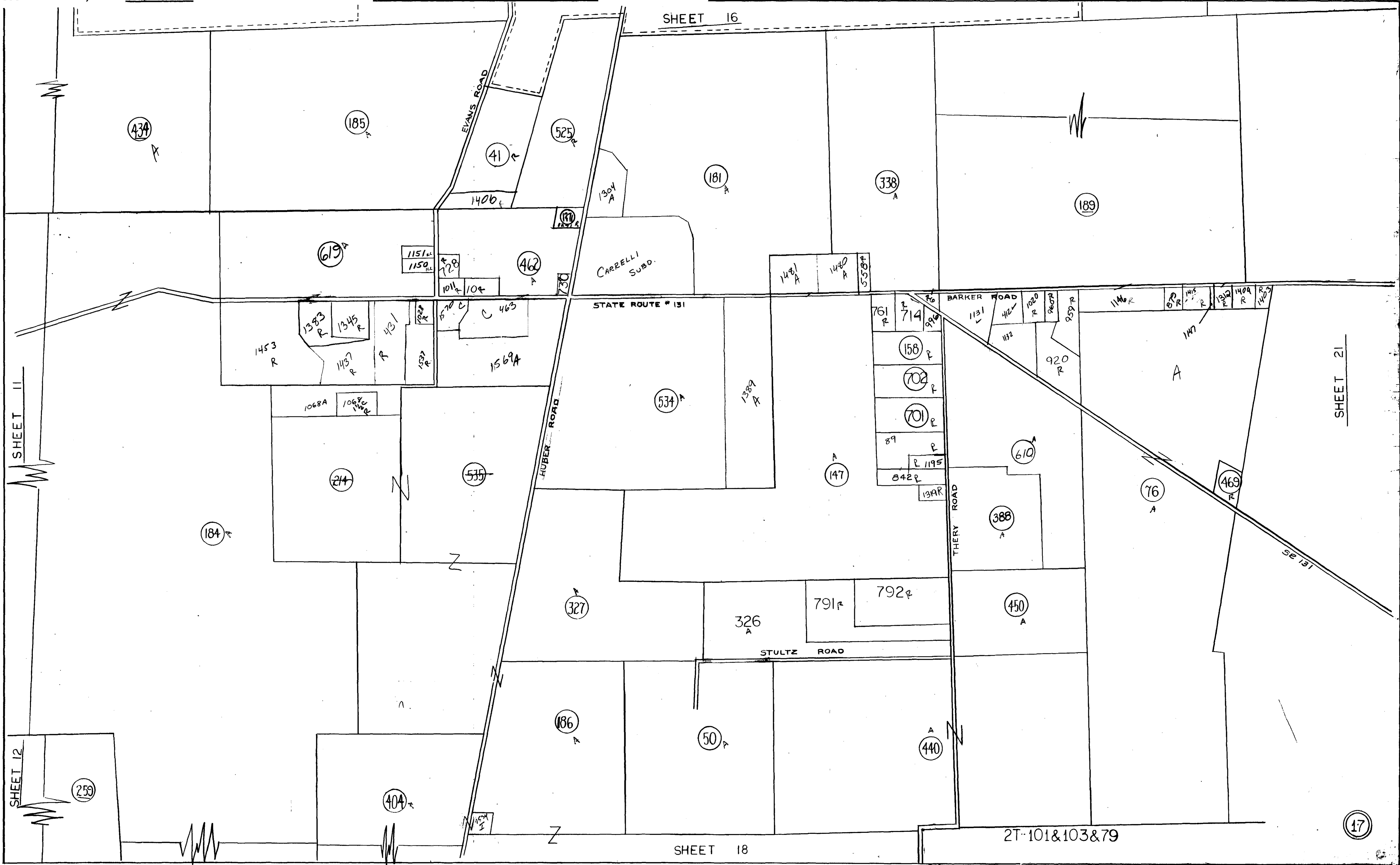
2T-101

2T-99

2T-101

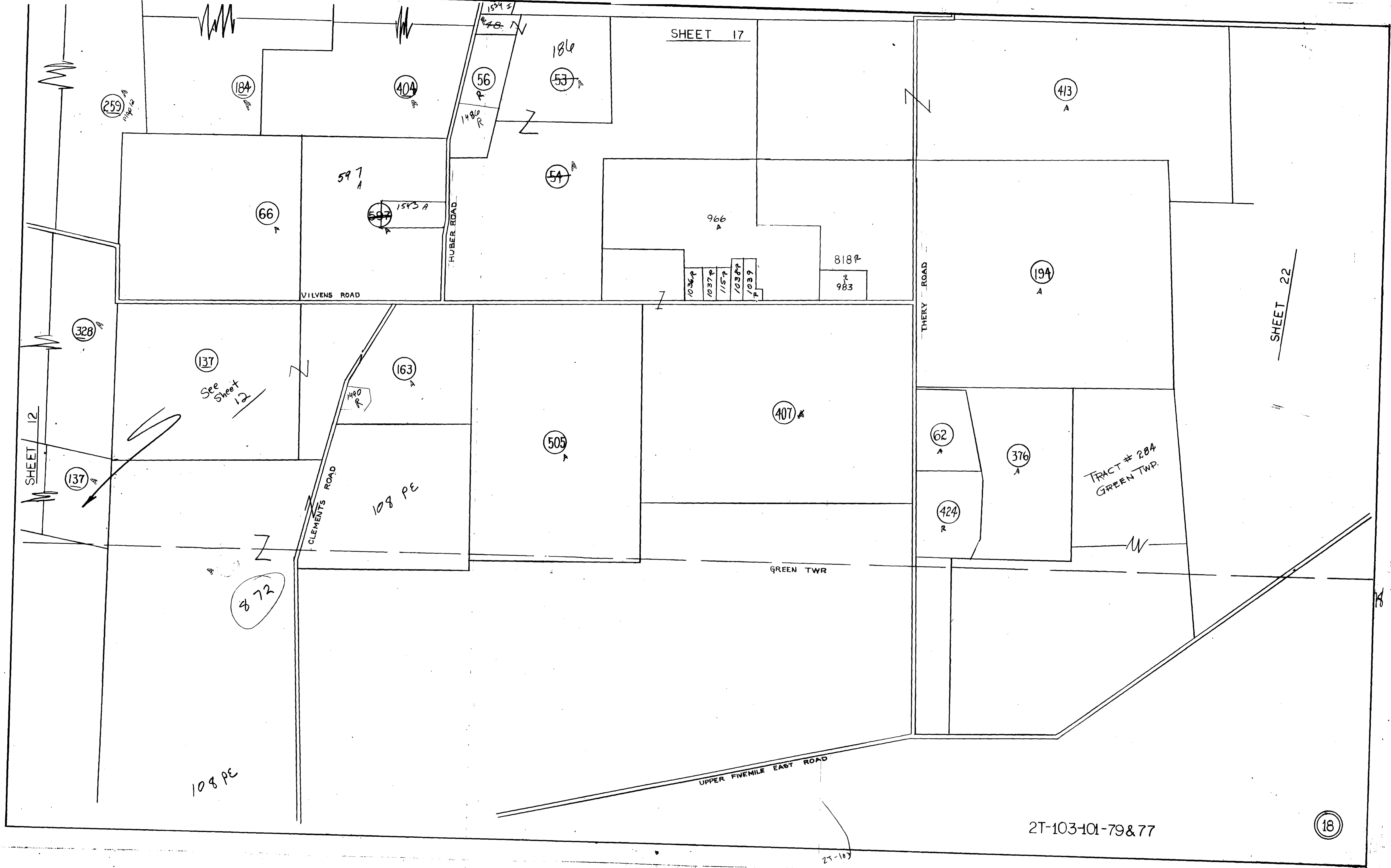
2T-81





Perry

2T-101 2T-103



2T-103-101-79&77

18

Kuan

SHEET 15

SHEET 20

396  
MAP 15

218

349

STATE ROUTE #50

HIGHLAND COUNTY

QUALLEN RD. (HIGHLAND Co.)

2T-81

19

2T-81

Perry

SHEET 19

SHEET 16

MURRAY CORNER ROAD  
823  
653  
1238  
1239  
1183  
1579

QUILLEN RD.

504

CARLIER ROAD

HIGHLAND COUNTY

219

316

(WILLIAMS RD HIGHLAND COUNTY)

1124  
Map 16

TURNER ROAD

606

314

123  
Map 16

525  
Map 16

174  
See Page 21

Brown Rd (Highland Co.)

180  
Map 16

690

725

175

EASEMENT

SHEET 21

2T-79&81

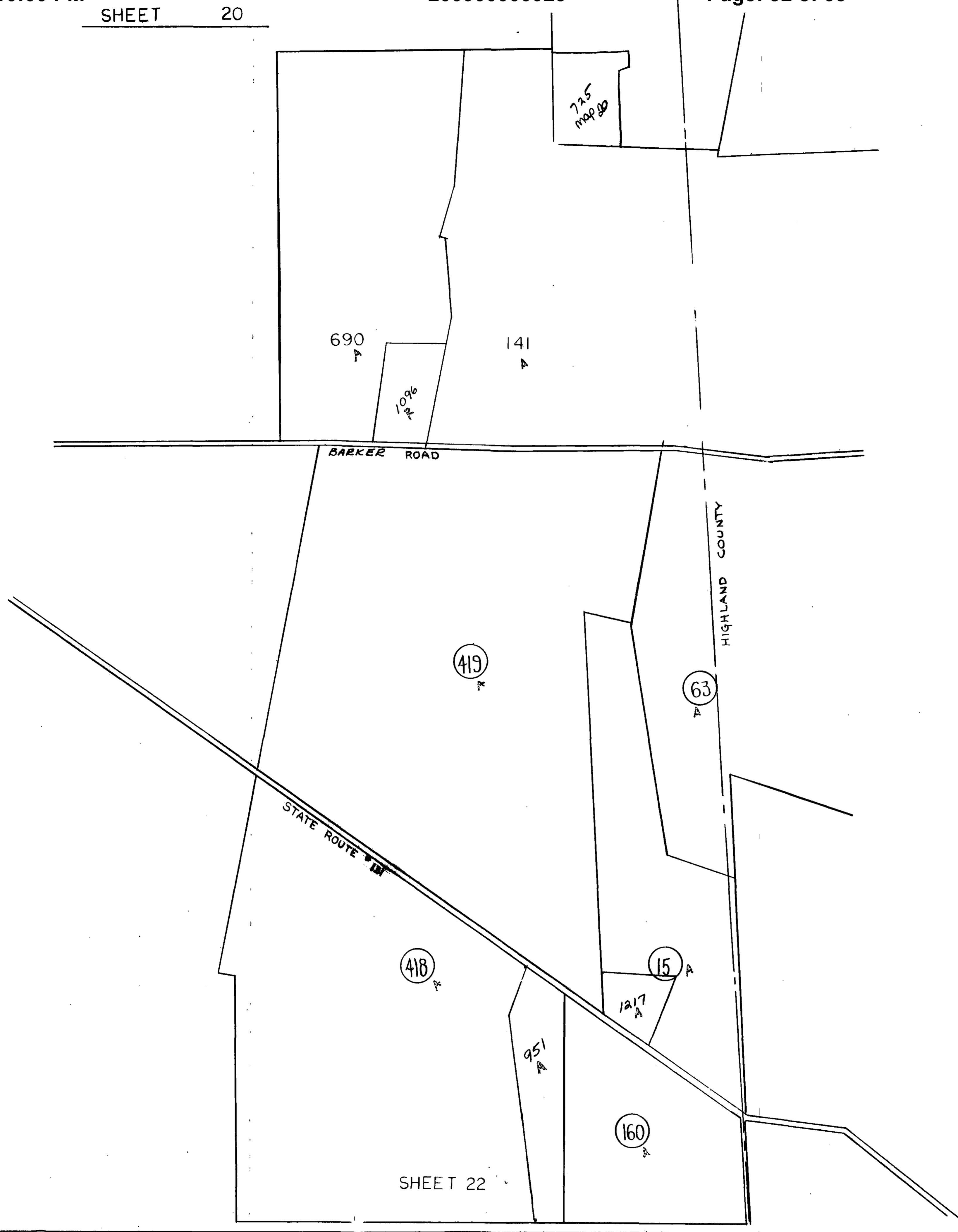
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Ferry

ET-79

ET-81

SHEET 17



SHEET 22

2T-79

21

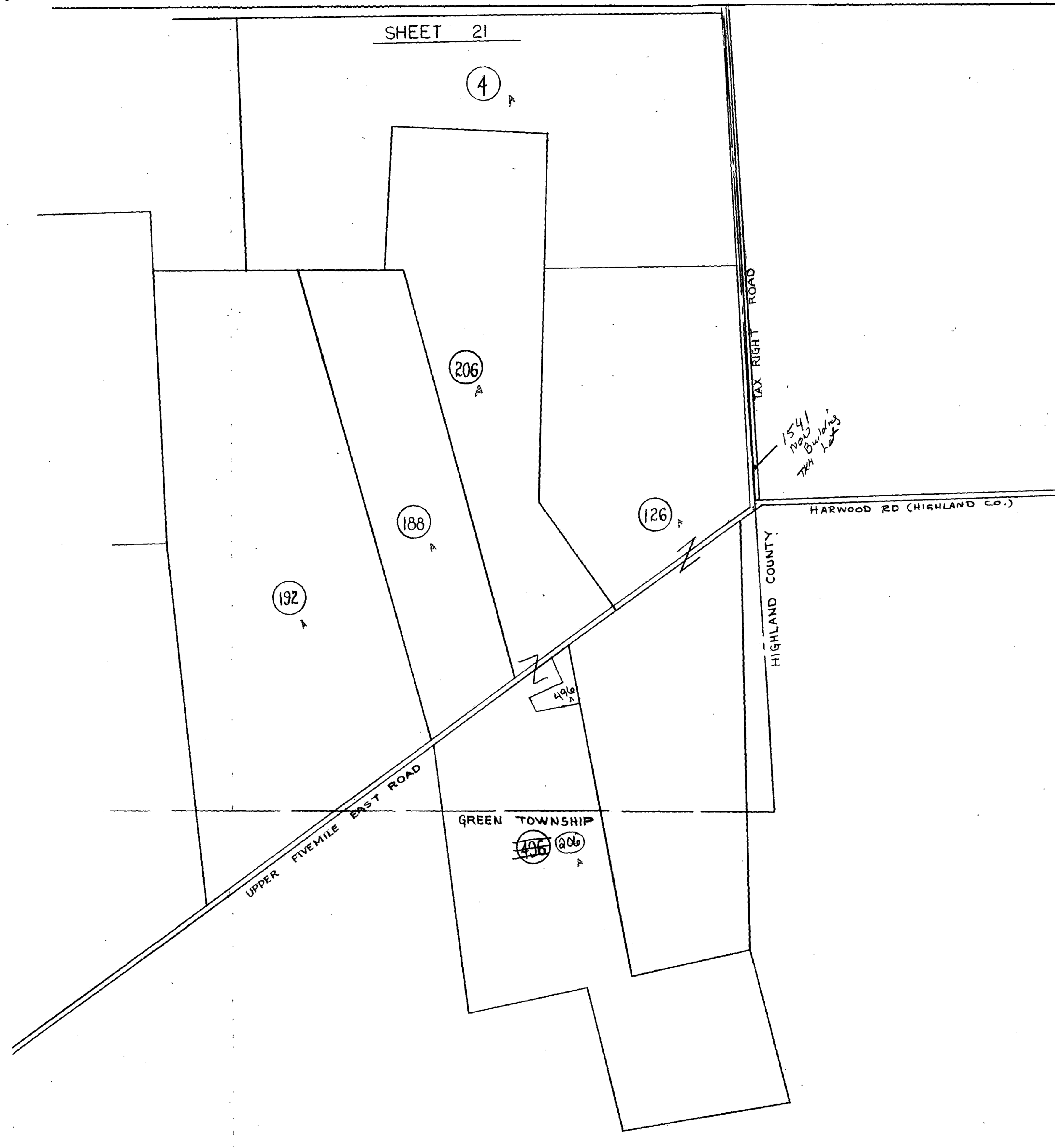
Perry

27-79



SHEET 21

SHEET 18



2T-77

22

Perry