

**GREENVILLE TOWNSHIP
DARKE COUNTY, OHIO**

**ZONING
RESOLUTION**

February 23, 2008

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ARTICLE I

TITLE AND AUTHORIZATION

101 LONG TITLE

A Resolution to provide for the Comprehensive Zoning of the Unincorporated Portion of Greenville Township, Darke County, Ohio; Establishing Use Districts, Encouraging, Regulating, and Restricting Therein the Location, Construction, Reconstruction, Alteration and Use of Structures and Land, Providing for Off-Street Parking, Regulating Signs; Authorizing Special Zoning Certificates; Controlling Nonconforming Uses, Establishing a Zoning District Map, Providing for the Administration of this Resolution, Defining the Powers and Duties of the Administrative Offices as Provided hereafter, Establishing a Board of Zoning Appeals; and Prescribing Penalties for the Violation of the Provisions in this Resolution or any Amendment Thereto.

102 SHORT TITLE

This Resolution shall be known as the “Zoning Resolution of Greenville Township, Darke County, Ohio.”

103 AUTHORIZATION

This Resolution is authorized by Section 519.01 – 519.99 inclusive of the Ohio Revised Code.

ARTICLE II

INTENT AND PURPOSE

201 PURPOSE

The Zoning Resolution of Greenville Township is adopted with the purpose of promoting and protecting the public health, safety, comfort, convenience, and general welfare of the people. The Fulfillment of this purpose is to be accomplished by seeking:

- 201.1 To encourage and facilitate orderly, efficient, and appropriate growth and development.**
- 201.2 To protect agricultural, residential, business, commercial and industrial areas alike from harmful encroachment by incompatible uses and to ensure that land allocated to a class of uses shall not be usurped by other inappropriate uses.**
- 201.3 To avoid the inappropriate development of lands and provide for drainage, curbing of erosion, and reduction of flood damage.**
- 201.4 To foster a more rational pattern of relationship between agricultural, residential, business, commercial, and manufacturing uses for the mutual benefit of all.**
- 201.5 To protect those areas which are not and/or cannot be served by central sewer systems from growth intensities which could be hazardous to the public health.**
- 201.6 To establish population densities to prevent or reduce congestion and to secure economy in the cost of providing water supply and sewage facilities, streets and highways, fire and police protection, schools, parks and recreation facilities, and other governmental services.**
- 201.7 To zone all properties with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the township.**

The standards and requirements contained in the Resolution and the district mapping reflected on the Greenville Township Zoning Map, are intended for further the implementation of the objectives and policies of Greenville Township as well as protect all desirable existing structures and uses.

ARTICLE III

ENACTMENT AND EFFECTIVE DATE

301 ENACTMENT CLAUSE

Whereas, there has existed a comprehensive plan and resolution for zoning within Greenville Township, Darke County, Ohio, since May 14, 1957. Amendments also occurred in 1976, 1994 and 2008.

Whereas, pursuant to Section 519.12 of the Ohio Revised Code, the Township Zoning Commission of the township had submitted to the Board of Township Trustees of Greenville Township, Darke County, Ohio, a comprehensive revision and re-codification amending the pre-existing zoning resolution of the township; and

Whereas, all legal requirements of notice and hearing for the adoption of such proposed amendments have been complied with;

Now, Therefore Be It Resolved by the Board of Trustees of Greenville Township, Darke County, Ohio, hereby adopts the zoning map and text contained herein as a comprehensive and complete revision and modification of the zoning resolution of this township; provided that this revision shall not be construed to affect any right accrued in incurred under any provision of the Greenville Township Zoning resolution as it existed prior to the effective date of this revision, or an action or proceeding for the enforcement of such right or liability.

ADOPTED: January 23, 1989

302 EFFECTIVE DATE

This Resolution shall become effective at the earliest time permitted by law; being thirty (30) days after immediately forementioned date of adoption, subject to the referendum provision of Section 519.12 of the Ohio Revised Code.

ARTICLE IV

INTERPRETATION

401 INTERPRETATION OF PROVISIONS

In the interpretation and application, the provisions of this Resolution shall be held to be minimum requirements. Whenever the requirements of this Resolution are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolution, the most restrictive, or that imposing the higher standards shall govern.

402 VALIDITY AND SEPARABILITY

It is hereby declared to be the legislative intent that, if any provision or provisions of this Resolution, or the application thereof to any zoning lot, building, or other structure, or tract of land, are declared by a court of competent jurisdiction to be invalid or ineffective in whole or in part, or to be inapplicable to any person or situation, the effect of such decision shall be limited to the provision or provisions which are expressly stated in the decision to be invalid or ineffective to the zoning lot, building or other affect in the controversy. All other provisions of this Resolution shall continue to be separate and fully effective, and the application of any such provision to other persons or situations shall not be affected.

403 REPEAL OF CONFLICTING RESOLUTION

Except as otherwise provided in Section 301 hereof, all resolutions or parts of resolutions in conflict with this Zoning Resolution or inconsistent with the provisions of this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

ARTICLE V

ENFORCEMENT

501 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 resolution order from the Board of Zoning Appeals deciding an appeal, conditional use, or variance or from the Township Trustees approving a Planned Unit Development, as provided by this Resolution.

502 CONTENTS OF APPLICATION FOR ZONING PERMITS

The application for a zoning permit shall 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 year or substantially completed within two and one half (2-1/2) years. At a minimum, the application shall contain the following information;

- A. Name, address, and phone number of applicant;
- B. Description of property;
- C. Existing use;
- D. Proposed use;
- E. Zoning district;
- F. 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(s); and drainage plans.
- G. Building heights;
- H. Number of off-street parking spaces or loading berths;
- I. Number of dwelling units;
- J. Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Resolution.

(See application form in Appendix.)

503 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 year. One 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 his signature on such copy. One copy of the plans, similarly marked, shall be retained by the Zoning Inspector. The Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the property in question attesting to the fact that the use or alteration is in conformance with the provisions of this Resolution.

504 EXPIRATION OF ZONING PERMIT

If the work described in any zoning permit has not begun within one 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, 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 extension granted, by zoning inspector without charge.

505 COMPLAINTS REGARDING VIOLATIONS

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, and take action thereon as provided by this Resolution.

506 RECORD OF ZONING PERMITS

The Zoning Inspector shall maintain a record of all zoning permits and copies shall be furnished upon request to any person.

507 FAILURE TO OBTAIN A ZONING PERMIT

Failure to obtain a zoning permit shall be a violation of this Resolution and punishable under Section 509 of this Resolution.

508 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATION, PLANS, AND 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 violation of this Resolution, punishable as provided in Section 509 of this Resolution.

509 PENALTIES FOR VIOLATION

Unless otherwise provided in Section 519.17, 519.23, or 519.99 of the Ohio Revised Code, it shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any structure or land in violation of any regulation in any provision of this Resolution or any amendment or supplement thereto adopted by the Board of Township Trustees of Greenville Township, Darke County, Ohio, under Sections 519.01 – 519.99 inclusive of the Ohio Revised Code. Any person, firm or corporation violating any provision of this resolution or of any amendment or supplement thereto, shall be deemed guilty of a minor misdemeanor and, upon conviction thereof, shall be fined not more than one hundred (100) dollars. Each and every day during which illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues, may be deemed a separate offense.

Unless otherwise provided in Section 519.24 of the Ohio Revised Code, where a structure is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or is proposed to be used in violation of this Resolution or any amendment or supplement thereto, the Board of Township Trustees, the Prosecuting Attorney of Darke County, Township Zoning Inspector, or any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

510 FEES

Any application under this Resolution for a zoning permit, zoning map or test amendment, conditional use permit, planned development review, sign permit, appeal or variance shall be accompanied by such fee as shall be specified by resolution of the Board of Township Trustees at their annual meeting. There shall be no fee, however, in the case of applications filed by the Board of Township Trustees or the Township Zoning Commission.

The fees shall be in addition to any other fees which are imposed by Greenville Township or Darke County.

Such fees are adopted to cover the cost to the township of investigations, legal advertising, postage and other expenses resulting from the administration of the respective zoning activities. Until all applicable fees have been paid in full, no action shall be taken on any application or appeal.

ARTICLE VI

PROVISIONS FOR OFFICIAL ZONING MAP

601 OFFICIAL ZONING MAP

The districts established in Article VII of this Resolution as shown on the Official Zoning Map which, together with all explanatory matter thereon, are hereby adopted as part of this Resolution.

602 IDENTIFICATION OF THE OFFICIAL ZONING MAP

The Official Zoning Map shall be identified by the signature of the President of the Township Trustees, attested by the Township Fiscal Officer.

603 INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of any of the zoning districts as shown on the Official Zoning Map, the following rules shall apply:

- A. Where district boundaries are 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 such boundaries;
- B. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries;
- C. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines of right-of-way lines or highways, such district boundaries shall be construed as being parallel thereto within 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.
- D. 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;
- E. 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.

ARTICLE VII

PROVISIONS FOR ZONING DISTRICTS

701 ESTABLISHMENT OF ZONING DISTRICTS

For the purpose of promoting the public health, safety, morals, convenience, comfort, prosperity, and general welfare of the Township, the following districts are hereby established:

- A-1 Agricultural District**
- AB Agri-Business District**
- RR Rural Residential District**
- SUR Suburban & Urban Residential District**
- B-1 Business District**
- I-1 Industrial District**
- PR Planned Residential District**
- PM Planned Mobile Home District**
- PC Planned Commercial District**
- PI Planned Industrial District**

702 COMPLIANCE WITH 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 hereinafter provided:

- A. No building, structure or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, move, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located;**
- B. No building or other structure shall be erected or altered:**
 - 1. to provide for greater height or bulk;**
 - 2. to accommodate or house a greater number of families;**
 - 3. to occupy a greater percentage of lot area;**
 - 4. to have narrower or smaller rear yards, front yards, side yards or other open spaces;**

than herein required, or in any other manner by contrary to provisions of this Resolution;
- C. No yard or lot existing at the time of 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.

703 EXCLUSIVE DISTRICTING

The regulations for each district set forth by this Resolution shall be exclusively, and not cumulatively, applied to such district except where otherwise specifically provided.

ARTICLE VIII

DISTRICT REQUIREMENTS

801 A-1 AGRICULTURAL DISTRICT

801.01 Purpose

This district is established to recognize and accommodate the physical, social, and economic needs of the agricultural community within Greenville Township Darke County, Ohio. The primary purpose of this district is to protect an existing agricultural character and to impede encroachment of incompatible development on our prime agricultural soils. Second, the desire to protect valued open spaces from the encroachment of scattered urban type uses permanently or until such time as the area is ready for more intensive development and can be provided with urban services. Rural single family dwellings are permitted to be located within the A-1 Agricultural District at a maximum density of one (1) dwelling unit per twenty (20) acres. Unnecessary encroachment by nonagricultural land uses which limits agricultural effectiveness either through encroachment of resources or through incompatibility of land uses will be discouraged.

Minimum of four (4) conditional uses without obtaining a rezone/variance . Site less than twenty (20) acres must be heard before the Zoning Appeals Board. Any building sites sold from an existing farm must be inspected and approved by the Darke County Health Dept.

801.02 Uses

A. Permitted Uses

1. Agriculture
2. One single family dwelling
3. Sale or produce and plants raised on the premises, or seasonal sale of produce and plants not raised on the premises provided that any structure associated with such sales shall be only those structures ordinarily used for the sale of produce and plants raised on the premises.
4. Accessory buildings incidental to the principal use. Such facilities are subject to regulation under Section 817.
5. Signs – See Article XI

B. Conditional Uses

The following Conditional Uses are subject to review and conditions in accordance with Article XII.

1. Single family dwellings on sites less than twenty (20) acres, no minimum lot area.
2. Mobile home temporarily substituted for a permitted dwelling. Such mobile home approval shall not require a fee or Conditional Use hearing if temporarily replacing a residence which has been damaged by an act of God.
3. Cemeteries.
4. Animal hospitals.
5. Soil removal, sand and gravel extraction operations.
6. Sanitary landfill.
7. Publicly or privately owned and operated airport or landing fields.
8. Radio, television, or other transmission towers and/or associated facilities.
9. Churches and other buildings for the purpose of religious worship.
10. Schools and associated facilities for academic instruction.
11. Private and publicly owned commercial and noncommercial recreation areas, uses and facilities, including fishing lakes, swimming pools, country clubs, golf courses, parks, forests, wildlife preserves, and similar areas and uses.
12. Home occupations need to be reported and approved by the appeals board.
13. Airport, heliport or landing strip.
14. Billboard signs as regulated in Article XI.

802 AB AGRI-BUSINESS DISTRICT

802.01 Purpose

This district is designed to accommodate the grouping of agriculturally oriented industries and businesses in close proximity to areas of agricultural production. Examples of uses that might be appropriate to such a zone are commodity sorting, grading and packing sheds; produce collecting and assembly terminals; feed concentrate mills; and agricultural machinery sales and service establishments.

802.02 Uses

A. Permitted Uses

1. Agriculture.
2. Agriculturally oriented commercial and industrial uses such as farm implement sales and service, commodity sorting, grading and packing.
3. Feed and grain mills, agricultural wholesaling or processing facilities.
4. Cold storage plants.
5. Hardware stores.
6. Building materials storage and sales.
7. Restaurant but not including drive-ins or fast food establishments.
8. Veterinary offices, hospitals, clinics, kennels or pounds.
9. Publicly owned and operated buildings and facilities.
10. Accessory buildings incidental to the principal use.
11. Fertilizer blending plants.

B. Conditional Uses

The following Conditional Uses are subject to review and conditions in accordance with Article XII.

1. Automobile service stations.
2. Garages for storage, and repair of motor vehicles.
3. Fast food and/or drive-in establishments.
4. Billboard signs as regulated in Article XI.

802.03 Lot Requirements

- | | |
|----------------------|--------------------|
| A. Minimum Lot Area | 20,000 square feet |
| B. Minimum Lot Width | 100 feet |

802.04 Yard Requirements

- | | |
|--|---------|
| A. Minimum Front Yard
Depth | 25 feet |
| B. Minimum Rear Yard
Depth | 40 feet |
| C. Minimum Side Yard
Width on Each Side | 10 feet |

802.05 Signs

- A. See Article XI for size and location of permitted signs.

804 RR RURAL RESIDENTIAL DISTRICT

804.01 Purpose

This district is intended to provide areas for low density residential development which are beginning to undergo transition from rural to residential use. Density is designed to accommodate on-site utilities. There must be an approved public access road per Darke County specifications for multi lot sites located off of a public road.

804.02 Uses

A. Permitted Uses

1. Single-family Dwelling.
2. Publicly owned and operated buildings and facilities except those uses listed under Conditional Uses.
3. Accessory buildings incidental to the principal use which do not include any activity conducted as a business. Such facilities are subject to regulation under Section 817.

B. Conditional Uses

The following Conditional Uses are subject to review and conditions in accordance with Article XII.

1. Cemeteries
2. Churches and other buildings for the purpose of religious worship.
3. Schools and colleges for academic instruction.
4. Private and publicly owned non-commercial recreation areas, uses and facilities, including country clubs, swimming pools, golf courses, parks, forest, wildlife preserves and similar areas and uses.
5. Home occupations.
6. Hospitals, sanitariums, nursing homes, child care centers and homes for the aged.
7. Two-family dwellings.

804.03	<u>Lot Requirements</u>	Not Served by Central Sewers	Served by Central Sewers
	A. Minimum Lot Area	2 Acres	15,000
	B. Minimum Lot Width	125 feet	100 feet
804.04	<u>Yard Requirements</u>	Not Served by Central Sewers	Served by Central Sewers
	A. Minimum Front Yard Depth	50 feet	25 feet
	B. Minimum Rear Yard Depth	35 feet	40 feet
	C. Minimum Side Yard Width on Each Side	15 feet	15 feet
804.05	<u>Structural Requirements</u>	Not Served by Central Sewers	Served by Central Sewers
	A. Maximum Building Height	35 feet	35 feet
	B. Maximum Lot	10%	20%
804.06	<u>Parking and Loading Requirements</u>		
	A. See Article X for off-street parking and loading requirements.		
804.07	<u>Signs</u>		
	A. See Article XI for size and location of permitted signs.		
804.08	<u>Earth Stations</u>		
	A. Must not be set or placed in front of a house or on a front portion of a lot.		

806.01 Purpose

This zone is intended to accommodate a variety of housing types suited to the various life styles of individuals and families – particularly those residing within neighborhoods relatively near urban centers within the Township.

Zoning provisions within this district recognize the establishment of single family homes upon small residential lots. Medium density garden type and townhouse multi-family development is also accommodated within this zone.

806.02 Uses

A. Permitted Uses

1. Single family dwellings.
2. Two family dwellings.
3. Multi-family dwellings.
4. Publicly owned and operated buildings and facilities, except those uses listed under Conditional Uses.
5. Accessory buildings incidental to the principal use which do not include and activity conducted as a business. Such facilities are subject to regulation under Section 817.

B. Conditional Uses

The following Conditional Uses are subject to review and conditions in accordance with Article XII.

1. All Conditional uses permitted as such within the RR District with the exception of the above listed Permitted Uses.

1 See Definition Section

806.03**Lot Requirements****A. Minimum Lot Area**

- | | | |
|----|---|---------------------------|
| 1. | Single family dwellings,
detached and attached | 7,500 sq. ft.
per unit |
| 2. | Two family dwellings | 8,000 sq. ft. |
| 3. | Multi-family dwellings,
detached and attached | 3,500 sq. ft.
per unit |
| 4. | Townhouses | 3,000 sq. ft.
per unit |
| 5. | Housing for the elderly | 2,500 sq. ft.
per unit |

B. Minimum Lot Width

- | | | |
|----|---|-----------------|
| 1. | Single family dwellings,
detached and attached | 60 feet |
| 2. | Two family dwellings | 80 feet |
| 3. | Multi-family dwellings,
detached and attached | 85 feet |
| 4. | Townhouses | 20 ft. per unit |
| 5. | Housing for the elderly | 85 feet |

806.04**Yard Requirements****A. Minimum Front Yard Depth**

- | | | |
|----|---|---------|
| 1. | Single family dwellings,
detached and attached | 25 feet |
| 2. | Two family dwellings | 25 feet |
| 3. | Multi-family dwellings, | 25 feet |

- 4. Townhouses See 2
- 5. Housing for the elderly 25 feet

B. Minimum Rear Yard Depth

- 1. Single family dwellings, detached and attached 40 feet
- 2. Two family dwellings 40 feet
- 3. Multi-family dwellings 40 feet
- 4. Townhouses See 2
- 5. Housing for the elderly 35 feet

C. Minimum Side Yard Width on Each Side

- 1. Single family dwellings, 5 feet³
- 2. Two-family dwellings 5 feet³
- 3. Multi-family dwellings 5 feet³
- 4. Townhouses See 2 & 4
- 5. Housing for the elderly 5 feet

806.05 Structural Requirements

A. Maximum Building Height 35 Feet

- 1. Housing for the elderly six stories

2 No front, side or rear yard as such is required, however, each townhouse shall have, for each living unit, an adjoining yard containing not less than 500 square feet; reasonably secluded from view from streets or from neighboring property. Such yard shall not be used for off-street parking or for any accessory building.

3 Plus one (1) foot for each two (2) feet by which the building or structure height exceeds 15 feet.

4 Not more than six contiguous townhouses shall be built in a row with the same or approximately the same front line and not more than 12 townhouses shall be contiguous.

806.06 Usable Open Space

A. Area

- | | | |
|----|---|-----------------------|
| 1. | Single family dwellings detached and attached | 500 sq. feet per unit |
| 2. | Multi-family dwellings | 500 sq. feet per unit |
| 3. | Townhouse | See 2 |
| 4. | Housing for the elderly | 250 sq. feet per unit |

B. Minimum Dimensions

- | | | |
|----|---|-------|
| 1. | Multi-family dwellings (exclusive of housing for the elderly) | See 5 |
|----|---|-------|

806.07 Parking and Loading Requirements

- A. See Article X for off-street parking requirements.**

806.08 Signs

- A. See Article XI for size and location of permitted signs.**

5 Multi-family units shall be designed so that each unit shall abut upon common usable open space. Such common open space shall in total average a minimum of 500 square feet per unit, be exclusive of areas used for vehicular circulation, parking and accessory buildings. Only areas having least dimensions of 20 feet shall qualify for computation as usable open space.

808 B-1 BUSINESS DISTRICT

808.01 Purpose

This District is intended to provide for the development or continued use of land for a variety of retail, service, and administrative establishments required to satisfy the needs of the overall community. This District is also intended to accommodate retail trade establishments in the community.

808.02 Uses

A. Permitted Uses

1. Small food stores such as bakery shops, retail only; candy and ice cream stores; drug stores; grocery and delicatessen stores; carry out beverage and snack shops; pizzerias, carry out only;
2. Hardware and paint stores.
3. Shoe repair shops.
4. Barber and beauty shops.
5. Pick-up stations for dry cleaning and laundry; dry cleaning and laundromats of the self-service type.
6. Shops producing merchandise to be sold on the premises, provided that not more than five (5) persons are employed on the premises in such production.
7. Accessory buildings incidental to the principal use. Such facilities are subject to regulations under Section 817.
8. Professional offices.
9. Banks and financial institutions.
10. Medical research facilities.
11. Radio and television broadcasting studios.
12. Small Contractors.
13. Department stores.

14. Establishments engaged in the retail trade of: drugs, book and stationary stores, apparel stores, florist shops, antique stores, sporting goods stores, jewelry stores, optical goods stores, furniture, home furnishing, cameras, photo supplies, hobby shops, music, musical instruments, pet sales and service, news stands, and similar retail activities.
15. Office equipment and office supplies stores.
16. Establishments engaged primarily in the fields of finance, insurance, and real estate such as banks, credit agencies, investment firms, real estate and insurance offices.
17. Miscellaneous business services such as advertising, news syndicates and employment agencies, travel bureaus and ticket offices.
18. Engineering and architectural services, legal services, accounting, auditing, and bookkeeping services.
19. Non-profit, professional, service, charitable and labor organizations.
20. Dance studios and schools.
21. Theatres, not including drive-ins.
22. Restaurants, not including drive in or fast food.
23. Billboard signs as regulated in Article XI.

B. Conditional Uses

The following Conditional Uses are subject to review and condition in accordance with Article XII.

1. Auto service stations.
2. Supermarkets.
3. Public libraries.
4. Business in the character of drive-in or open front store (including service stations, drive-in and fast food restaurants).

5. Indoor recreation (wholly enclosed places of recreation and amusement), i.e. bowling alleys, billiard halls, indoor tennis centers, indoor skating rinks, assembly or concert halls.
6. Night clubs, discotheques, etc.
7. Facilities for the exclusive sale, rent or lease of new or second-hand automobiles, trucks, motorcycles, boat and marine equipment, mobile homes, recreational vehicles and trailers.
8. Commercial swimming pools.
9. Builder supplies, garden supplies.
10. General automotive repair garages.
11. Car washes.
12. Motels.
13. Agricultural implement sales and service.
14. Hay, grain and feed stores.
15. Veterinary hospitals, clinics, kennels or pounds.
16. Churches, mortuaries.
17. Adult entertainment facilities.
18. Single or double family dwelling.

808.03 Lot Requirements

- | | | |
|----|-------------------|----------------|
| A. | Minimum Lot Area | None Specified |
| B. | Minimum Lot Width | None Specified |

808.04 Yard Requirements

- | | | |
|----|--------------------------------------|---------|
| A. | Minimum Front Yard Depth | 25 Feet |
| B. | Minimum Rear Yard Depth | See 1 |
| C. | Minimum Side Yard Width on Each Side | See 1 |

1 **None, except when adjacent to a Residential or planned Residential District.**

808.05 Structural Requirements

A. Maximum Building Height 40 Feet

808.06 Parking and Loading Requirements

A. See Article X for off-street parking and loading requirements.

808.07 Signs

A. See Article XI for size locations of permitted signs.

B. Site Plan Approval Required

To minimize traffic congestion on major roads and to protect the surrounding residential areas from any adverse activities that may be associated with such business uses, a site plan, showing the site layout, including the locations and dimensions of vehicular and pedestrian entrances, exits, driveways, and the internal vehicular circulation pattern, structure siting and dimensions, off-street parking spaces, landscaped yards, and the location and type of lighting facilities and signs shall be submitted to, and approved by the Zoning Commission prior to granting the subject zoning designation.

C. No zoning certificate shall be issued for B-1 use, until the applicant shall have certified to the Zoning Inspector that:

- 1. No manufacturing, processing, packaging, or treatment of goods shall be carried on, except when incidental or accessory to the performance of services or the sale of goods to the public on the premises.**
- 2. Outdoor storage may be permitted, provide the area used for storage is located in the rear yard and is completely screened from adjoining properties by a solid fence or wall six (6) feet in height or in an enclosed structure. No materials shall be stored in such a manner as to project above the wall with the exception of vehicles and mechanical equipment.**
- 3. Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon any property located in a residential district or upon any public street or highway.**

- 4. Automobile service centers and/or stations, when permitted, shall be limited to the selling and dispensing of petroleum fuel primarily to passenger vehicles and to such accessory uses as the sale and installation of lubricants, tires, batteries, accessories and supplies, incidental washing and polishing, tune-ups and brake repair.**

Failure to comply with any of the aforementioned requirements by property owners or users will be considered a zoning violation appropriate for prosecution under the terms of this Resolution.

812 I-1 INDUSTRIAL DISTRICT

812.01 Purpose

The intent of this District is to accommodate a broad range of industrial activities; diverse in products, operational techniques and size which have a greater potential impact upon their environment than those permitted in other Districts.

812.02 Uses

A. Permitted Uses

- 1. Any use whose principal function is basic research, design and/or pilot or experimental product development or technical training.**
- 2. Office buildings.**
- 3. Sales offices for business/industrial related equipment and supplies.**
- 4. Business and industrial service facilities and supplies.**
- 5. The manufacture, compounding, processing, packaging, or treatment of such products as, but not limited to: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, tool, die, gauge, and machine shops.**
- 6. The manufacture, compounding, assembling, or treatment of articles or merchandise from previously prepared materials such as, but not limited to : bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stone, sheet metal (excluding large stampings such as automobile fenders or bodies), steel textiles, tobacco, wax, wire, wood (excluding saw and planning mills), and yarns.**
- 7. The manufacture or pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.**
- 8. The manufacture of toys, novelties, and other similar products of metal, plastics, or rubber.**

9. **The manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs.**
10. **Laboratories – experimental, film, testing.**
11. **The manufacture and repair of electric or neon signs, light sheet metal products, including heading and ventilating equipment, cornices or eaves.**
12. **Administrative, executive, financial, accounting, clerical and drafting offices.**
13. **Restaurants but not including drive-in or fast food establishments.**
14. **Governmentally owned and/or operated building or facility.**
15. **Accessory buildings incidental to the principal use.**
16. **Electroplating.**
17. **Storage buildings.**
18. **Graphite products manufacture.**
19. **Laundries and dry cleaning plants.**
20. **Warehousing, industrially related wholesale establishments, and trucking facilities.**
21. **Yards of general contractor engaged in building construction.**
22. **Building materials storage and sales.**
23. **Feed mills, grain storage and/or processing facilities.**
24. **Automobile service stations.**
25. **Car washes.**
26. **Garages for storage, repair, and servicing of motor vehicles, including body repair painting and engine rebuilding.**
27. **Machinery and heavy equipment rental, sales and storage.**

28. **Truck and motor freight terminals and hauling services.**
29. **Cement block and formed products manufacturing.**
30. **Railroad train yards, classification yard, team tracts and depots.**
31. **Sawing and planing mills.**
32. **Chemical products such as drugs, paints, wood chemicals, and allied chemicals.**
33. **Stone, clay, glass, brick abrasives, tile and related products.**
34. **Fabricated metal manufacturing, including ordinance, engines, machinery, electrical equipment, transportation equipment, metal stamping, wire products and structural metal products.**
35. **Meat packing.**
36. **Accessory buildings incidental to the principal use.**
37. **Agra business – all uses permitted in agra business district.**
38. **Asphalt or asphalt products bulk storage stations for liquid fuel, petroleum products, petroleum and volatile oils.**
39. **Concrete mixing plants.**
40. **Fertilizer manufacturing.**
41. **Glue manufacturing.**
42. **Slaughter house.**
43. **Paper products manufacture.**
44. **Plastics manufacturing.**
45. **Rubber processing or manufacturing.**
46. **Mining, mixing, processing, and transportation of stone, sand or gravel aggregate.**

47. Manufacturing or processing of asphalt products.
48. Soap manufacturing.
49. Steel manufacturing.
50. Junk yards and auto graveyards.
51. Radio, television or other transmission towers and related station facilities.
52. Automobile service stations.
53. Airport, heliport or landing strip.

B. Conditional Uses

The following Special Uses are subject to review and conditions in accordance with Article XII.

1. Bulk storage of corrosive acids and acid derivatives.
2. Garbage or refuse reduction or transfer.
3. Sanitary landfill.
4. Incinerators.
5. Rendering plant.
6. Drive-in restaurants.
7. Cocktail lounges.
8. Other manufacturing, processing or storage uses determined by the Zoning Board of Appeals to be of the same general character as the permitted uses previously listed.
9. Single or Double Family Dwelling.

813 PLANNED DEVELOPMENT PROVISIONS

813.01 Nature and Purposes of Planned Developments

Planned developments are characterized by relatively large scale developments under unified ownership or control which are planned and developed as a unit, as guided by a specific plan which must be reviewed and approved in detail by the Township Zoning Commission and Township Trustees prior to issuance of a Zoning Permit. The Zoning Commission and/or Trustees may require any reasonable condition or design consideration which will promote proper development of benefit to the community.

As a condition for approval, each planned development must be compatible with the character and objectives of the zoning district or districts within which it is located, and each planned development shall be consistent with the land use objectives of Greenville Township.

Some specific purposes of the planned development procedure are:

- A. To recognize the problems of population density, distribution and circulation and to allow a deviation from rigid established patterns or land uses, but controlled by defined policies and objectives.
- B. To produce a comprehensive development equal to or better than that resulting from traditional lot by lot land use development.
- C. To permit flexibility of design in the placement, height, and uses of buildings and open spaces, circulation facilities and off-street parking areas, and to more efficiently utilize potentials of site, characterized by special feature of geography, topography, size or shape.

813.02 General Standards for Planed Development (See Sections 813.10-813.40 for specific standards for respective planned development districts.)

A requested change to a Planned Development zone shall only be approved when Greenville Township authorities make specific findings of fact directly based upon respective evidence presented by the applicant supporting conclusions that:

- A. The proposed Planned Development zone will not jeopardize the public health, safety and welfare.

- B. The development will not impose an undue burden on public services and facilities, such as fire and police protection**
- C. The site will be accessible from public roads that are adequate to carry the traffic that will be imposed upon them by the proposed development and the streets and driveways on the site of the proposed development will be adequate to serve the residents or occupants of the proposed development.**
- D. The location and arrangement of structures, parking areas, walks, lighting, and appurtenant facilities shall be compatible with the surrounding land uses, and any part of a planned Development not used for structures, parking and loading areas, or accessways, shall be landscaped or otherwise improved.**
- E. Natural features such as water courses, trees, and rock outcrops will be preserved, to the degree possible, so that they can be incorporated into the layout to enhance the overall design of the Planned Development.**
- F. The layout must be designed to take advantage of the existing land contours in order to provide satisfactory road gradients and suitable building lots and to facilitate the provision of proposed services.**
- G. The Development plan contains such proposed covenants, easements, and other provisions relating to the proposed development standards, as may reasonably be required for the public health, safety and welfare.**
- H. The Planned Development can be substantially completed within the period of time specified in the schedule of development submitted by the developer.**
- I. See Drainage.**

813.03

Initiation of Planned Development Districts

Planned Development Districts may be initiated as follows:

- A. Through submission of an application for change by a private party in conformity with the requirements of this Section.**

- B. By action of the Zoning Commission and Board of Trustees following the public hearings required for conventional zoning district change. In such case, the unique physical characteristics of the subject area in terms of land area, irregular topography, tree cover and/or key location within the Township shall be established as prerequisites to any such Planned District initiation procedure by the Township.**

813.04

Review Procedure

A. Preapplication Conference

- 1. Prior to filing a formal application for approval of a Planned Development, the developer is encouraged to request a preapplication conference with the Township Zoning Inspector. It should be understood that no statement or representation of a member of the staff shall be binding upon the Zoning Commission or upon any Township governing body.**
- 2. The purpose of such conference is to allow the developer to present a general concept of his proposed development prior to the preparation of detailed plans. For this purpose, the presentation shall include, but not be limited to, the following:**
 - a. Written “letter of intent” from the developer establishing his intentions as to development of the land.**
 - b. Topographic survey and location map.**
 - c. Sketch plans and ideas regarding water supply, sewage disposal, surface draining, and street improvements.**

The Zoning Commission shall advise the developer of the zoning requirements and Township Plans which might affect the proposed development as well as the procedural steps for approval.

B. Preliminary Plan

The Preliminary plans for the Planned Development shall be filed with the Zoning Inspector, who shall in turn forward copies to the Zoning commission for consideration.

The required procedure for consideration and approval of the preliminary plan shall be:

1. Submission of the following:

Written application for approval of a Planned Development shall be made on forms and in the manner prescribed by the Township.

The application shall be accompanied by a fee as determined by Greenville Township.

- 2. The Zoning Commission shall study material received and confer with other agencies of government as appropriate in the case to determine general acceptability of the proposal as submitted. In the course of such preliminary consideration, the Zoning Commission may request, and the applicant shall supply, additional material needed to make specific determinations.**
- 3. Following such study, the Zoning Commission or its staff shall hold a conference or conferences with the applicant to discuss desirable changes in the first or succeeding drafts of the preliminary development plan and report.**
- 4. Recommendations of the Zoning Commission to the applicant shall be in writing, and following any such conference, agreements between the applicant and the Zoning Commission as to the changes in the preliminary plan and report or other matters to be recorded and acknowledged by the Zoning Commission and the applicant. On items on which no agreement is reached, or there is specific disagreement, this fact shall be recorded and the applicant may place in the record his reasons for any disagreement.**
- 5. When the preliminary development plan and report have been approved in principle (as a whole or with reservations specifically indicated) or when the applicant indicates in writing that no further negotiations with the Zoning Commission are desired before proceeding, the Zoning Commission shall schedule the proposed plan for a public hearing, following which it shall make its recommendations to Township Trustees. Such recommendations shall indicate approval, approval with specific reservations, or disapproval with reasons. With such recommendations, the Zoning Commission shall transmit within thirty (30) days the latest draft of the preliminary plan and report submitted by the applicant, a record of agreements reached, and matters on which there was no specific agreement, including any**

reasons recorded by the applicant for any such disagreement.

6. The Township Trustees shall schedule a public hearing for the preliminary plan and respective planned development zone designation after receiving the proposal from the Zoning Commission. Within 30 days, the Board of Trustees shall approve the proposal, approve subject to conditions, or deny the proposal. If approved, the area of land marked shall be redesignated PR (Planned Residential District), PMH (Planned Mobile Home Residential District), PC (Planned Commercial District), or PI (Planned Industrial District), and shall be used only in accordance with the uses and densities shown on the Planned Development Preliminary Plan.

C. Final Plan

A fee shall accompany final plan as determined by Township Trustees. The final Planned Development plan shall conform substantially to the preliminary plan as approved and shall be filed within six months after approval of the preliminary plan including all necessary information. If desired by the developer, it may be submitted in stages with each stage reflecting a portion of the approved preliminary plan which is proposed to be recorded and developed; provided, however, that such portion conforms to all requirements of these regulations. The required procedure for approval of a final plan shall be:

1. The final plan and supporting data shall be filed with the Township Zoning Inspector who in turn forwards copies to the Zoning Commission for certification that the final plan is in conformity with these regulations and in agreement with the approved preliminary plan.
2. After review of the final plan and supporting data, the Zoning Commission shall approve or disapprove the plan within 30 days after submittal by the developer. Disapproval of the final plan shall include a clear statement of the reasons therefor.
3. The Zoning Commission shall then forward the final plan together with their recommendations to the Board of Trustees. The Board shall review the recommendations of the Zoning Commission at the next regular meeting of the Board, and shall approve, approve subject to conditions, or deny the final application.

D. Recording of Final Development Plan

After approval by the Board of Trustees of the Final Plan, the Final Plan including all supporting documentation shall be presented to the Darke County Recorder for recording.

No Final Development Plan within the unincorporated area of Greenville Township shall be so recorded unless it shall have the approval of Board of Trustees inscribed thereon.

The purpose of such recording is to designate with particularity the land subdivided into conventional lots as well as the dimension of other lands, not so treated, into common open areas and building areas and to designate each building or structure, as well as the use of the land in general.

E. Building Permit

No building permit shall be issued by the Township until the Final Development Plan has been approved and duly recorded.

F. Effect of Denial of a Planned Development

No application for a planned development, which has been denied wholly or in part by the Zoning Commission and Board of Trustees shall be resubmitted for a period of one year from the date of said order of denial, except on the ground of new evidence or proof of change of conditions found to be valid by the Township Zoning Commission and Board of Trustees.

G. Changes in the Planned Development

A Planned Development shall be developed only according to the approved and recorded final plan and all supporting data. The recorded final plan and supporting data together with all recorded amendments shall be binding on the applicants, their successors, grantees and assigns and shall limit and control the use of premises (including the internal use of buildings and structures) and location of structures in the Planned Development as set forth therein.

1. Major Changes

Changes which alter the concept or intent of the Planned Development including increase in the number of units per acre, change in location or amount of non-residential land use, more than 15 percent modification in proportion of housing types, reduction of proposed open space,

significant redesign of roadways, utilities or drainage, may be approved only by submission of a new preliminary plan and supporting data, and following the “preliminary approval” steps and subsequent amendment of the final Planned Development Plan.

2. Minor Changes

The Township Zoning Inspector, upon notifying the Zoning Commission, may jointly approve minor changes in the Planned Development which do not change the concept or intent of the development, without going through the “preliminary approval” steps. Minor changes are defined as any change not defined as a major change.

H. Expiration Date for Development Plan Approval

- 1. Single Stage Development Plan.** The approval of the Development Plan or the initial stage of a multi-stage development plan shall become null and void and the land shall revert to its former zoning classification, unless within one (1) year the Final Plan shall have been recorded in the records of the Darke County recorded.
- 2. Multi-Stage Development Plans.** Should the recording of the Final Plan for the successive stages fall more than two (2) years behind the schedule submitted, the Development Plan shall become null and void as to that portion of the tract for which no Final Plan shall have been recorded; and that portion of the tract shall revert to its former zoning classification.
- 3. Schedule of Construction.** The Development Plan shall be subject to revocation if construction falls more than one (1) year behind the schedule filed with the Final Plan.
- 4. Extension of Time.** An extension of the time limit for the above described cases can be granted by the Board of Trustees upon recommendation by the Zoning Commission. However, such approval of schedule modification shall be give only upon a finding of purpose and necessity for such extension and evidence of reasonable effort toward the accomplishment of the original schedule by the applicant.

PR Planned Residential Development**A. Purpose**

This district is intended to provide a good deal of flexibility in the arrangement and design of residential dwellings, based upon a unified development plan conceived and carried out for an entire area. Within this district, appropriate and reasonable population density is maintained while a variety of dwelling unit types is permitted. Natural features such as topography, trees and drainage ways are encouraged to remain in their natural state to the degree possible. Such developments are generally characterized by a significant proportion of usable open space, unified design concept with particular attention devoted to the periphery of the development, with the objective being the compatibility of the development with its surroundings.

B. Permitted Uses

Those uses included as permitted and accessory uses in RR through SUR Residential Districts developed in a unified manner in accordance with the approved development plan.

Convenience establishments as accessory uses which have been established as necessary for the proper development of the community and to be so located, designated and operated to serve primarily the needs of the persons within the Planned Development if specifically approved as part of the Planned Development Plan. Uses shall be generally limited to those uses permitted in the B-1 District, with no direct access or advertising signs for such uses to be visible from the exterior of the development. Such convenience establishments and their parking areas shall not occupy more than five percent (5%) of the total area of the development.

No separate building or structure designed or intended to be used, in whole or part, for business purposes within a Residential Planned Development shall be constructed until not less than thirty percent (30%) of the dwelling units proposed in the development plan have been completed.

C. Area Requirements

The minimum land area required for a Planned Residential Development shall be two (2) acres.

D. Density Requirements

Any combination or cluster of housing units is permitted, provided that the average lot area per family or dwelling unit contained in the site, exclusive of the area of street right-of-way, and commercial area, will not exceed the following net overall densities:

- 1. Six (6) dwelling units per acre for single family residential developments.**
- 2. Eight (8) dwelling units per acre for developments containing a combination of single family and two family units.**
- 3. Ten (10) dwelling units per acre for two family residential developments.**
- 4. Twelve (12) dwelling units per acre for a development containing a combination of single family, two family and multi-family units.**
- 5. Fifteen (15) dwelling units per acre for multi-family residential developments.**

The above density requirements may be varied at the discretion of the Zoning Commission and Board of Trustees if it can be demonstrated that a variance is necessary to achieve an improved site design and that surrounding neighborhoods and public facilities will not be adversely affected.

E. Structure Spacing

A minimum of fifteen (15) feet shall be maintained between principal structures.

F. Length

There shall be no continuous structure of townhouses, attached dwellings or apartments containing more than twelve (12) dwelling units side by side.

G. Height

The height of any residential structure within a planned unit development shall not exceed thirty-five (35) feet, unless it can be demonstrated that an additional height is required with provision of suitable open space to protect adjacent structures from adverse reduction of light and air.

H. Set Back and Screening

A set back of fifty (50) feet shall be provided along the entire perimeter of the development and retained in natural woods, or be suitably landscaped with grass and/or ground cover, shrubs and trees. Projects located adjacent to Commercial or Industrially zoned areas shall provide screening facilities comprising landscaping, walls or both which will provide suitable protection to the residential development as adjudged by the Zoning Commission and Board of Trustees. Screening facilities shall not obscure traffic visibility within fifty (50) feet of an intersection.

I. All utilities including electric, telephone, gas, water, and sewer lines must be buried where feasible.

J. Parking Requirements

See Article X.

K. Signs

See Article XI for size and location of permitted signs.

PMH Planned Mobile Home Residential District**A. Purpose**

This district is intended to permit the development of Mobile Home Parks in association with other residential development types while maintaining a reasonable population density and by providing for the unique requirements for this type of development. The provisions of this district are established to assure that the site design and arrangement in relation to other area facilities result in an attractive, orderly and efficient residential environment of sustained desirability in harmony with adjacent areas.

B. Permitted Uses**1. Mobile Home Parks**

- a. Mobile Homes (not self-propelled vehicles).
- b. Modular or Sectional Homes.

C. Accessory Uses

1. Coin-operated laundry, laundry and dry cleaning pick-up stations for use of tenants only. No external sign of any nature whatsoever larger than six square feet shall be permitted.
2. Other accessory uses, buildings or structures customarily incidental to the aforesaid use.
3. On-site Mobile Home Sales - The sales of mobile homes within a mobile home park or subdivision shall be permitted.
4. Neighborhood commercial facilities – In mobile home parks of fifty (50) acres or more, neighborhood commercial facilities such as markets, barbers, beauty shops, doctor's office, etc. may be planned in conjunction with a mobile home park.

D. Utilities

1. Public utilities – each mobile home park shall be served by public water and sewer systems.
2. Mobile home parks shall meet all health requirements, State and local.

E. Streets and Pedestrian Ways

1. Streets

- a. Streets should be adapted to the topography and should have suitable alignment and gradient for traffic safety, satisfactory surface and groundwater drainage, and proper functioning of sanitary and storm sewer systems.**
- b. Street design and construction shall conform with specifications provided by the County Engineer's Office.**

F. Setback Requirements – The following setback requirements for all mobile homes located in a mobile home park shall apply:

- 1. From all perimeter lot lines – 50 feet**
- 2. From any mobile home located in the mobile home park 15 feet.**
- 3. From any community building – 50 feet.**
- 4. From any public or private street located within the park - 15 feet**

G. Parking Requirements

Two paved, off-street parking spaces having a minimum area of 200 square feet each, shall be provided for each mobile home site. Said parking space shall be located either on the mobile home site, behind the front setback area, or in a common parking area within the mobile home park.

H. Signs

Signs within the mobile home development shall be limited to a name plate attached to each mobile home which is no larger than one (1) square foot, directional signs indicating the location of service buildings, including management office, parking areas and common recreation areas, and traffic control signs.

I. Miscellaneous Requirements

- 1. Drainage - Each mobile home space shall be so constructed to provide adequate storm water drainage from ramps, patios and all walls and foundations of the mobile home to the roadway.**

- 2. All lots or trailers must have a lot or trailer number visible from the street, road or drive-way.**

PC Planner Commercial District**A. Purpose**

This district is provided in recognition that many commercial establishments seek to develop within unified commercial areas, usually under single ownership and control, and typically called “shopping centers.” Within the premises of the zone, such centers would have all necessary services and facilities comprehensively provided in accordance with an approved development plan. Provisions of this zone are formulated to achieve harmoniously designed structures upon a well landscaped site, achieving a high degree of pedestrian-vehicular separation, all of which would be compatible with surrounding land uses.

B. Permitted Uses

Those uses included as permitted and accessory uses in Business Districts.

C. Arrangement of Commercial Uses

Commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersection with thoroughfares.

The plan of the project shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding existing or potential developments.

D. Setback and Screening

A setback of fifty (50) feet shall be provided along the entire perimeter of the development, except where it adjoins a Business or Industrial District in which case setback and screening requirements shall be at the discretion of the Zoning Commission. Where situated adjacent to a residentially zoned area, a minimum of thirty (30) feet along the exterior property line shall be retained in natural woods, or be suitably landscaped with a dense planting of evergreens not less than four (4) feet in height at the time of planting. Such landscaping shall be fifty (50) percent or more opaque when viewed horizontally between two (2) feet and eight (8) feet above average ground level. A suitably designed fence or wall may be substituted for such screen

plantings at the discretion of the Zoning Commission, if in certain cases natural plantings are deemed infeasible. Screening facilities shall not obscure traffic visibility within fifty (50) feet of an intersection.

E. Parking and Loading Requirements

See Article X.

F. Signs

See Article XI.

PI Planned Industrial District**A. Purpose**

This district is provided in recognition that many industrial firms seek to develop within unified industrial areas having all necessary services and facilities comprehensively provided in accordance with a predetermined development plan. As in the Planned Commercial Zone, provisions of this zone are formulated to encourage a high degree of coordinated development. Particular attention is devoted to design of the periphery of the development with the objective of compatibility with surrounding land uses.

B. Permitted Uses

Those uses included as permitted and accessory uses in the Industrial District.

C. Arrangement of Industrial Uses

A planned industrial area shall provide for the harmony of buildings and a compact grouping in order to economize in the provision of such utility services as are required. Thoroughfares shall be kept to a minimum throughout a planned industrial area in order to reduce through traffic.

D. Setback and Screening

A set back of one hundred (100) feet shall be provided along the entire perimeter of the development, except where it adjoins a business, Industrial or Agricultural District, in which case setback and screening requirements shall be at the discretion of the Zoning Commission. Where situated adjacent to a residentially zoned area, a minimum of thirty (30) feet along the exterior property line shall be retained in natural woods, or be suitably landscaped. A suitably designed fence or wall may be substituted.

Submission Requirements for Planned Development Proposals**A. Preliminary Plan Stage****1. Application**

An application for preliminary planned unit development shall be filed with the Township Zoning Inspector by at least one owner or lessee of property for which the planned unit development is proposed. At a minimum, the application shall contain the following information filed in triplicate:

- a. Name, address, and phone number of applicant.
- b. Name, address, and phone number of persons assisting in the preparation of the preliminary development plan.
- c. Description of property.
- d. Description of existing use.
- e. Existing zoning district(s).

2. Material to be Submitted with Applications:

- a. Identification of all property owners within the proposed district, evidence of unified control of the entire area of the district, tentative agreement of all owners to proceed with development according to plans, and to bind their successors in title to abide by any final commitments made, and evidence of financial capability to complete the development according to plan or to provide adequate sureties for completion.
- b. A map or maps indicating the relation of the proposed district to the surrounding area. As appropriate to the development proposed, such map or maps shall demonstrate access to major streets, and show the appropriate location and sizes of existing public sewers, water lines and storm drainage systems and other utilities systems and installations which will be expected to serve the development. In the case of planned developments to contain housing, location of schools and nearby commercial facilities shall be indicated.

- c. **Topographic data map drawn to scale:**
 - 1. **Boundary lines – bearing and distances.**
 - 2. **Easements – location, width, and purpose.**
 - 3. **Wooded areas, streams, lakes, marshes, and other physical conditions affecting the site.**
 - 4. **If deemed necessary by the township Zoning Inspector, subsurface conditions on the tract, including the location and results of tests made to ascertain the conditions of subsurface soil, rock and groundwater, and the existing depth of groundwater.**

- 3. **A preliminary development plan and report, with maps to scale of planned development proposed the following information, presented in generalized form:**
 - a. **Proposed land uses and appropriate height, bulk and location of principal structures sufficient to permit and understanding of the style of the development. Proposals containing residential units shall specify the number of housing units by size and type proposed within the initial phase for the proposal or within the overall development if the development is not to be staged.**
 - b. **Proposed automotive and pedestrian circulation patterns, including streets by type (major, collector, or minor) width, public or private, bicycle paths and pedestrian ways. Existing or plotted streets proposed to be vacated.**
 - c. **Major off-street parking areas.**
 - d. **Proposed parks, playgrounds, school sites, pedestrian parkways and other major open spaces as well as the general form of organization proposed to own and maintain any common open space.**
 - e. **General location of utilities installations and easements.**
 - f. **If development is to be in stages, indication as to order and timing of development, and**

demonstration that each stage, when completed, would compliment any completed earlier, and would form a reasonably independent unit even though succeeding stages were delayed.

- g. Proposals for expediting provisions of public facilities, utilities or services were lacking or unlikely to be available when needed for the planned development, or for providing suitable private facilities, utilities or services. A report shall be provided, if appropriate in a particular development, containing proposals for improvement and continuing maintenance and management of any private streets.**
- h. The substance of covenants, grants and easements or other restrictions proposed to be imposed upon the use of the land, buildings and structures including proposed easements or grants for public utilities.**

B. Final Plan Stage

- 1. Final development plans and reports shall include:**

 - a. A map or maps in the form required by the governing Subdivision Regulations for final plats of subdivisions, with such modifications and additions as required concerning such items as building sites when used as a substitute for lots, common open space not dedicated for public use, and other matters as appropriate to planned developments generally or to the specific planned development.**

Similar modification of standards contained in the governing Subdivision Regulations or in other regulations or policies applying generally may be reflected in such maps and reports if the Zoning Commission shall find and shall certify, after consultations with other agencies of government as appropriate in the specific case, that the public purposes of such regulations or policies are as well or better served by specific proposals of the formal plan and reports.

- b. A general site and land use plan for the**

planned development as a whole, indicating sub-areas for phased development if any, and showing location and use of structures and portions of structures in relation to building site lines, building sites reserved for future use and uses for which sites are reserved, automotive and pedestrian circulatory networks, principal parking areas, open space not in building sites and use for which it is intended, and such other matters as are required to establish a clear pattern of the relationships to exist between structure, uses, circulation and land.

- c. All streets and roads must meet all requirements set by Darke County for streets and roads.

2. Agreements, contacts, deed restriction, and sureties:

Before any building permit may be issued in the planned development, all deed restrictions shall be submitted in a form acceptable to the Township.

The applicant shall guarantee the installation of the public improvements specified in the Final Development Plan through one of the following methods:

- a. Filing a performance and labor and material payment bond in the amount of 110 percent of the estimated construction cost as determined by the Township.
- b. Depositing or placing in escrow or certified check, cash, or other acceptable pledge, in the amount of 110 percent of the construction cost as approved by the Township.

3. Detailed Plans: Before any building permit may be issued in the planned development, detailed plans for individual buildings or groups of buildings shall be submitted to the Zoning Commission for approval. Such plans shall be in accord with the final development plan and report as approved by the Zoning Commission, and shall be in sufficient detail to permit determinations as to compliance

with the requirements of this Resolution with respect to the particular planned development district and uses involved. The plans shall include:

- a. Site plans for the building site or sites, indicating relationship to adjoining areas.**
- b. Floor plans for the buildings involved, indicating horizontal dimensions, uses of space, and floor areas.**
- c. Elevations of the buildings involved, indicating height and, if required in determinations for the particular building or use, location and dimension of all windows and other glassed areas.**
- d. A detailed drainage plan of the development.**

814 FP FLOOD PLAIN DISTRICT

814.01 Purpose

It is the purpose of these provisions to protect the general public and all lands in the township subject to flood losses by minimizing such losses through (1) restricting or prohibiting uses which are dangerous to health, safety, or property in times of flood or which cause excessive increases in flood flow heights or velocities, (2) requiring that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction, and (3) protecting individuals from buying lands which are unsuited for intended purposes because of flood hazards.

814.02 Uses

A. Permitted Uses

The following uses have a low flood damage potential because of their open space nature and shall be permitted by right to the extent that they are allowed uses in the underlying zoning district.

1. Agricultural uses such as: general farming, grazing, pasture, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting.
2. Industrial – commercial uses such as loading areas, parking areas, airport landing strips, and storage yards for equipment or machinery easily moved or not subject to flood damage.
3. Recreational uses such as: parks, golf courses, driving ranges, picnic grounds, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, and hunting, fishing and hiking areas.
4. Utility facilities such as: dams, power plants, transmission lines, pipeline, and water monitoring devices; other water related uses such as: docks, bridges, culverts, and river crossings of transmission lines.
5. Residential support uses such as: lawns, gardens, parking areas and play areas.

6. **Accessory buildings incidental to the principal use. Such facilities are subject to review under Section 817.**

B. Conditional Uses

1. **Transient amusement enterprises such as: circuses, carnivals, and fairs.**

C. Prohibited Uses

1. **No structure intended to be a permanent or temporary residence shall be erected or move into the Flood Plan district, nor shall any existing residence be enlarged after the time of enactment of this resolution more than 25 percent of its size.**
2. **No landfill, dump or junkyard shall be allowed.**
3. **The storage or processing of materials which in time of flooding become buoyant, flammable, explosive or otherwise injurious to public health is expressly prohibited.**

D. Conditional Use Standards

1. **All Conditional Uses – No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials of equipment, or other use may be allowed as a Conditional Use, which, acting alone or in combination with existing or future uses, unduly affects the capacity of the floodway or unduly increases flood heights. Consideration of the effects of a proposed use shall be based on a reasonable assumption that there will be an equal degree of encroachment extending for a significant reach on both sides of the stream. In addition, all floodway Conditional uses shall be subject to all pertinent site plan requirements contained in Article XI as determined by the Board of Appeals.**

815 **SUPPLEMENTAL REGULATIONS**

In addition to all regulations specified in Section 801-814 and in other sections of this Resolution, the provisions of Section 815.01-815.07 inclusive shall be used for interpretation and clarification.

815.01 **Setback Requirements for Corner Buildings**

On a corner lot, the principal building and its accessory structures 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.

815.02 **Visibility at Intersections**

On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and a half (2 ½) and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line joining points along such street lines fifty (50) feet from the point of intersection.

815.03 **Front Yard Exceptions (RR & SUR Districts Only)**

Within any “R” District, as identified above, where the average depth of at least two (2) existing front yards on lots within one hundred (100) feet of the lot in question and within the same block front is less or greater than the least front yard depth prescribed elsewhere in this Zoning Resolution, the required depth of the front yard on such lot shall be modified. In such case, this shall not be less than the average depth of said existing front yards, or the average depth of existing front yards of the two (2) lots immediately adjoining, or, in the case of a corner lot, the depth of the front yard on the lot immediately adjoining; provided, however, that the depth of a front yard on any lot shall be at least ten (10) feet including all projections but not required to be more than fifty (50).

815.04 **Side Yard Requirements**

Side-yard widths may be varied where the side wall of a building is not parallel with the side lot line or is broken or otherwise irregular. In such case, the average width of the side yard shall not be less than the otherwise required least width; provided, however, that such side yard shall not be narrower at any point than one-half (1/2) the otherwise required least width, or narrower than six (6) feet in any case.

815.05 **Corner Lots**

The area of a corner lot shall be twenty (20) percent greater than the minimum area required for an interior lot.

When the principal building is located with its greatest depth on the long side of a corner lot, the required rear yard may be reduced to a minimum of twenty (20) percent of the average lot depth; but in no case shall the shortest distance, measured horizontally between any part of a building, and the rear lot line, be less than twenty (20) feet.

815.06 **Double Frontage Lots**

Buildings on lots having frontage on two (2) nonintersecting streets need not have a rear yard if an equivalent open space is provided on the lot in lieu of such required rear yard; applicable front yards must be provided, however, on both streets.

815.07 **Yard Requirements for Multi-family Dwellings**

Multi-family dwellings 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.

817 **ACCESSORY USES**

817.01 **Permitted Accessory Uses (RR, SUR, and PR Districts)**

The following accessory uses are permitted in each of the above Residential Districts.

- A. Private garages or carports.
- B. A structure for storage incidental to a permitted use.
- C. A guest house (without kitchen facilities) or rooms for guests in an accessory building, provided such facilities are used for the occasional housing of guests of the occupants of the principal building, and not as rental units or for permanent occupancy.
- D. A swimming pool (not located within a completely enclosed building, and containing or normally capable of containing water to a depth at any point greater than one and one-half (1 ½) feet), bath house and other recreational facilities intended and used solely for the enjoyment of the occupants of the principal use of the property on which it is located and subject to required provisions under 817.03
- E. Patios and open porches subject to required provisions under 817.03.
- F. Earth stations as regulated under 817.03.
- G. A child's playhouse, tree house, birdhouse.
- H. Statuary, arbors, trellises, barbecue equipment, flag poles, fences, play equipment, nonmechanical laundry drying equipment, walls and hedges.
- I. Fallout shelters.
- J. Any other structure or use customarily found in conjunction with and required for full utilization and enjoyment of the principal use; and which meets the definition of accessory use as stated in this Ordinance.
- K. Recreational equipment.

817.02 **Permitted Accessory Uses (Business and Industrial Districts)**

In a Business or Industrial District, any use which is customarily found in conjunction with and required for the full utilization and economic viability of the principal use which meets the definition of accessory use as stated in the Resolution, and which complies with the applicable standards of the district in which it is located is permitted.

817.03

Standards for Accessory Buildings in Residential Districts
(See Appendix for graphic examples of dimension standards)

- A. Swimming pools may not be located closer than ten (10) feet to any property line. Such distance shall be measured from the water line. Accessory building shall maintain the minimum side yard requirements. Any walks or paved areas adjacent to the pool shall be considered as patios for the purpose of this Resolution and shall conform to the provisions pertaining to Patios and Open Porches.

The swimming pool, or the entire property on which it is located, shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall not be less than six (6) feet in height and maintained in good condition with a gate and lock.

- B. Patios, open porches and car ports may be located in side and rear yards provided they are not closer than three (3) feet to any adjacent property line. If located closer than eight (8) feet, they shall be screened by an evergreen hedge or fence not less than four (4) feet in height and maintained in good condition. In case of a corner lot, no patios or porches shall be closer to the side street lot line than the least depth required for such side yard.

ARTICLE IX

REGULATIONS RELATING TO AGRICULTURE

901 General

The provisions of this Article shall be in addition to any and all other provisions contained in this Resolution applicable to any building, structure or land, or use thereof, regardless of the district in which such is located.

902 Platted Territory

The provisions of this Section shall apply to any platted subdivision approved under Section 711.05, 711.09, or 711.10 of the Ohio Revised Code, or in any area consisting of fifteen or more lots approved under Section 711.131 of the Ohio Revised Code that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road.

902.01 Agriculture on Lots of One Acre or Less

The use of such land for agricultural purposes, or the erection, construction or alteration of any building or structure incident to the use of such land for agricultural purposes, is prohibited. Provided, however, the same shall be considered a Conditional Use subject to the approval of the Board of Zoning Appeals as provided in Article XII.

902.02 Buildings or Structures Incident to the Use of Land for Agricultural Purposes on Lots Greater than One Acre but not Greater than Five Acres

All buildings and structure incident to the use of such land for agricultural purposes shall be subject to the same setback building line, height and size regulations otherwise applicable in the district in which such building or structure is located.

902.03 Dairying and Animal and Poultry Husbandry on Lots Greater than One Acre but not Greater than Five Acres when at Least 35% of the Lots in the Subdivision are Developed with at Least One Building ,Structure or Improvement that is Subject to Real Property Taxation or that is Subject to the Tax on Manufactured Homes under Section 4503.06 of the Ohio Revised Code

Dairying or animal or poultry husbandry on such lands is prohibited. Provided, however, the same shall be considered a Conditional Use subject to the approval of the Board of Zoning Appeals as provided in Article XII.

903 **Farm Markets**

903.01 All farm markets shall be subject to the regulations concerning structure size, parking, setback building lines and ingress and egress otherwise applicable in the district in which the farm market is located.

903.02 The use of any land for a farm market where less than 50% of the gross income received on farms owned or operated by the market operator in a normal crop year is prohibited in all districts except A-1 Agricultural and A-B Agri-Business Districts, and shall be subject to all regulations otherwise applicable in such districts.

ARTICLE X

PARKING REGULATIONS

Disabled Vehicles:

The parking of an unlicensed and disabled vehicle within any district for a period of more than thirty (30) days shall be prohibited, unless such vehicle is stored in an enclosed garage or other accessory building.

ARTIVLE XI

SIGN REGULATION

1101 Purpose

It is the purpose of this Article to promote and protect the public health, safety and welfare by regulating the type, number, area, and location of outdoor signs. Regulation of signs placed for exterior observation is necessary to enable the public to locate goods, services and facilities without difficulty and confusion, to reduce visual clutter, to prevent hazards to life and property, to assure the continues attractiveness of the Township and to protect property values.

1102 General Requirements

Except where otherwise provided in this Resolution or in conflict with Section 519.20 of the Ohio Revised Code, the regulations in this section shall apply to all signs in all use directions.

1102.01 Sign Permit

No person shall erect, modify or relocate a sign without having applied for and received a sign permit from the Zoning Inspector. Each application for a sign permit shall be accompanied by a fee as established by Greenville Township. Person or company responsible for maintenance of sign shall be named.

1102.02 Illumination

Any illuminated sign or lighting device shall emit only a light of constant intensity. In no event shall an illuminated sign or lighting device be placed or directed so as to cause glare or reflection that may constitute a traffic hazard or nuisance to adjacent property.

1102.03 Signs in Right-of-way Prohibited

No sign shall be placed in or extend into any public right-of-way except publicly-owned signs, such as traffic control signs and directional signs.

1102.04 Signs in RR &SUR Districts Prohibited

All signs not described as functional signs described in Section 1103 are prohibited in RR – Rural Residential Districts and in SUR – Suburban and Urban Residential Districts

1103 Functional Signs Allowed in all Districts without a Sign Permit

The following functional signs are allowed in all districts without a sign permit:

- A. Interior signs.
- B. Name plate signs, which shall not exceed one (1) square foot in area.
- C. Real estate signs, which shall not exceed twelve (12) square feet in area, except in residential districts, where the sign area shall not exceed six (6) square feet.
- D. Government signs which are erected and maintained pursuant to, or in discharge of, any government function.
- E. Political signs which shall not exceed (8) square feet in area. Such signs shall not be posted or erected more than one (1) month prior to the election or event involved and shall be taken down and disposed of within one (1) week after the election or event involved.
- F. Public utility signs which indicate danger, which serve as aid to public safety or which show the location of underground facilities.
- G. Portable sign not to exceed thirty (30) days.

1104 Permitted Signs Requiring a Sign Permit

- A. The following functional signs, where allowed by this resolution, require a conditional use permit:
 - 1. **Billboard/Advertising Sign:** All billboard signs to require a conditional use permit with a minimum of at least 1,000 feet between signs. For each vacant lot or tract, appropriately zoned, one (1) sign within a minimum area of 1,000 square feet is permitted. If more than one (1) sign on a pole, each will require a permit.

1105 Prohibited Signs

The following functional and structural signs are prohibited:

- 1. Any sign illuminated by flashing, intermittent, rotating or moving light or lights. This shall not apply to any sign performing a public service function by indicating time, temperature, stock market quotations or similar information.

1106 Signs Permitted in All Districts

A. The following structural signs are permitted:

- 1. Free-standing.**
- 2. Wall.**
- 3. Window.**

1107 Sign Setback Requirements

All signs shall be set back from the established right-of-way line of thoroughfare on which the principal use has frontage (frontage determined by the principal entrance to the building.)

1108 Violations

Where a sign is erected, modified, relocated or maintained in violation of the terms of this Resolution, the Zoning Inspector shall notify by certified mail the owner for leasee of the premises responsible for sign maintenance 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 Section 506 of this resolution.

ARTICLE XII

PROCEDURE AND REQUIREMENTS FOR APPROVAL OF CONDITIONAL USE PERMITS

Conditional uses shall conform to the procedures and requirements of Section 1201-1203, inclusive of this Resolution.

1201 General

It is recognized that an increasing number of new kinds of uses are appearing daily, and that many of these and some other more conventional uses pose characteristics of such unique and special nature relative to location, design, size, method of operation, circulation and public facilities that each specific use must be considered individually. These specific uses as they are conditionally permitted under the provisions of Article VIII, shall follow the procedures and requirements set forth in Section 1202-1203, inclusive.

1202 PROCEDURES FOR MAKING APPLICATION

1202.01 Contents of Application for Conditional Use Permit

An application shall be submitted to the Board of Zoning Appeals which shall contain the following:

- A. Name, address, and phone number of applicant.
- B. A description of property.
- C. Area of property in square feet or acres;
- D. Description of existing use of the property; including location of existing structures, driveways, and parking and loading facilities;
- E. Zoning district in which property is situated;
- F. The conditional use, the section of this resolution under which it is sought, and the grounds on which it is requested.
- G. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic access and traffic circulation, open space, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Board may require to determine if the proposed conditional use meets the intent and requirements of this Resolution.

H. A narrative statement evaluation the effects on adjoining property; the effect of such elements as noise, glare, odor, fumes and vibration on adjoining property; and a discussion of the general compatibility with adjacent and other properties in the district.

I. The fee required for Conditional Use Permits.

1202.02 Review by the Board of Zoning Appeals

The Township Board of Zoning Appeals shall review the proposed development as presented on the submitted plans and specifications in terms of the standards established in this resolution. Such review shall be completed and a public hearing may be held according to the procedures specified in Section 1506 through 1507 within a sixty (60) day period following the submission of such application.

1202.03 Action by the Board of Zoning Appeals

Within thirty (30) days after the public hearing required in Section 1202.02, The Board shall either approve, approve with supplementary conditions as specified in Section 1203, or disapprove the application as presented. If the application is approved or approved with modifications, the Board shall direct the Zoning Inspector to issue a conditional use permit listing the specific conditions specified by the Board for approval.

If the application is disapproved by the Board, the applicant may seek relief through the Court of Common Pleas.

1202.04 Expiration of Conditional Use Permit

A Conditional Use Permit granted by the Board of Zoning Appeals shall terminate at the end of one (1) year from the date on which the Board grants the conditional use, unless a longer period is specifically granted by the Board or, within the one (1) year period a building permit is obtained and erection or alteration of the structure is started. A conditional use permit will suffice as the zoning permit required by Section 501 of this Resolution.

A conditional use permit shall be deemed to authorize only one particular conditional use and said permit shall automatically expire if, for any reason, the conditional use shall cease for more than two (2) years.

1202.05

Reapplication

No application for a Conditional Use Permit which has been denied wholly or in part by the Board of Zoning Appeals shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions which would be sufficient to justify reconsideration by the Board of Zoning Appeals.

1203 STANDARDS AND REQUIREMENTS FOR CONDITIONAL USES

The Board of Zoning Appeals shall establish beyond reasonable doubt that both general standards and the specific requirements pertinent to each conditional use indicated herein shall be satisfied by the establishment and operation of the proposed conditional use. The Board of Zoning Appeals may also impose such additional conditions, guarantees, and safeguards as it deems necessary for the general welfare, for the protection of individual property rights, and for insuring that the intent and objectives of this resolution will be observed.

1203.01 General Requirements

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 that such use on the proposed location:

- A. Is in fact a conditional use as established under the provisions of Article VIII for the zoning district involved.**
- B. Will be harmonious with and in accordance with the general objectives, or with any specific objectives of the township's comprehensive plan and/or the zoning resolution.**
- C. 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.**
- D. Will not be hazardous or disturbing to existing or future neighboring uses.**
- E. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structure, 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.**
- F. 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.**
- G. 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.**

- H. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.**
- I. Will not result in the destruction, loss or damage of a natural, scenic, or historic feature of major importance.**
- J. Will have adequate drainage.**

ARTICLE XIII

AMENDMENT

1301 GENERAL

Whenever the public necessity convenience, general welfare or good zoning practices require, the Township Trustees may by resolution after receipt of recommendation thereon from the Township Zoning Commission, and subject to procedures provided by law; amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property. This article shall not be operative to the extent it is inconsistent with the provisions of Section 519.12 of the Ohio Revised Code, including any future amendments thereto.

1302 INITIATION OF ZONING AMENDEMENTS

Amendments to this resolution may be initiated in one of the following ways;

- A. By adoption of a motion by the Township Zoning Commission
- B. By adoption of a resolution by the Township Trustees;
- C. By the filing of an application by at least one (1) owner or lessee or property within the area proposed to be changed or affected by said amendment.

1303 CONTENTS OF APPLICATION

Application for amendments to the Official Zoning Map adopted as part of this Resolution by Section 301 shall contain at least the following information:

- A. Name, Address, and phone number of applicant
- B. Present use
- C. Present zoning district
- D. Proposed use
- E. Proposed zoning district
- F. 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.

- G. A list of all property owners 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 addresses need not included where more than ten (10) parcels are to be rezoned.
- H. Response to all pertinent questions contained within the application form (see Appendix for example).
- I. A fee as established by Township Trustees according to Section 510.

Applications for amendments proposing to amend, supplement, change, or repeal portions of this resolution other than the Official Zoning map shall include, in addition to the proposed amending resolution, approved as to form by the Township Legal Advisor, items (A), (B), (H), and (I) listed above.

Prior to rezoning of any portion of any district or the issuance of a zoning certificate, the applicant shall submit to the zoning commission a comprehensive plan as to the enlargement of open drainage ditches and the construction of tile ditches which shall receive any increase due to the residential development in question. Said comprehensive plan shall have been approved by the Darke County Engineer prior to submission to the Zoning Commission. If said ditch as pre-existing is sufficient to receive such increase, the applicant shall acquire a certificate from the County Engineer to that effect. Prior to rezoning and if determined by the County Engineer to be necessary, the applicant shall post a performance bond with the Zoning Commission for the completion of any enlargement necessitated by residential development.

1304 TRANSMITTAL TO ZONING COMMISSION

Immediately after the adoption of a resolution by the Township or the filing of an application by at least (1) owner or leasee of property, said resolution or application shall be transmitted to the Commission.

1305 PUBLIC HEARING BY TOWNSHIP ZONING COMMISSION

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 fifteen days before the date of such hearing.

If the proposed amendment of supplements intends to rezone or re-district ten 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 twenty days before the date of public hearing to all owners of property within the contiguous to and directly across the street from such area proposed to be re-zoned or redistricted to the addresses 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 County Commissioners. The failure of delivery of such notice shall not invalidate any

such amendment or supplement. The published and mailed notices shall set forth the time and place of the public hearing, the nature of the proposed amendment or supplement and a statement that after the conclusion of such hearing the matter will be referred for further determination to the Township Zoning Commission and to the Board of Township Trustees.

1306 RECOMMENDATION BY TOWNSHIP ZONING COMMISSION

The Township Zoning Commission shall, within thirty days after such 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 the recommendation of the County Planning Commission thereon to the Board of Township Trustees.

1307 PUBLIC HEARING BY TOWNSHIP TRUSTEES

The Board of Township Trustees shall, upon receipt of such recommendation, 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.

1308 NOTICE OF PUBLIC HEARING BY TOWNSHIP TRUSTEES

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 fifteen days before the date of such hearing.

The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment of supplement.

1309 ACTION BY TOWNSHIP TRUSTEES

Within thirty (30) days after the public hearing required by Section 1308, the Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Township Trustees deny or modify the recommendation of the Zoning Commission, it must do so by unanimous vote of the full membership of the Township Trustees. No such resolution shall be passed unless it has been fully and distinctly read on three different days except that such resolution may become emergency legislation if all members of the Township Trustees vote to dispense with this rule.

1310 EFFECTIVE DATE AND REFERENDUM

Such amendment adopted by Township Trustees shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the passage of the resolution there is presented to the Township Fiscal Officer a petition, signed by a number of qualified voters residing in the Township equal

to not less than (10) percent of the total vote cast in such area at the last preceding general election at which a governor was elected, requesting the Township Trustees to submit the zoning amendment to the electors of the Township for approval or rejection at the next general election.

No amendment for which such 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 Elections that the amendment has been approved by the voters, it shall take immediate effect.

ARTICLE XIV

PROCEDURE AND REQUIREMENTS FOR VARIANCES AND APPEALS

1401 VARIANCES

A variance from the terms of this resolution shall not be granted by the Board of Zoning Appeals unless and until:

- A. A written application for a variance is submitted to the Board which shall contain the following:
 - 1. Name, address and telephone number of the applicant;
 - 2. The nature of the variance including the specific section of the zoning resolution from which the variance is requested;
 - 3. A description of the property;
 - 4. Area of the property in square feet or acres;
 - 5. Description of the existing use of the property;
 - 6. Zoning district in which the property is situated;
 - 7. The fee required for a variance as provided by Section 510 of this Resolution.

- B. A public hearing is held pursuant to Section 1403 of this resolution.

- C. The Board shall make written findings of fact, based on the particular evidence presented to it, that the following standards for a variance are met by the application:
 - 1. The particular physical surrounding, shape, or topographical condition of the specific property would cause particular and extraordinary hardship, or where the requested variance relates solely to area requirements, practical difficulties, to the owner if the literal provisions of the zoning resolution were followed;
 - 2. The alleged hardship or difficulties have not been created by the applicant for the variance after the adoption of the zoning resolution;
 - 3. The granting of the variance will not be materially detrimental to the public health, safety, convenience, or general welfare or injurious to other property or improvements in the vicinity;

4. To 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.
- D. The board shall further make a written finding that the reasons set forth in the application justify the granting of a variance, and that the variance is the minimum variance that will make possible the reasonable use of the property.
- E. When granting a variance, the Board of Zoning Appeals may provide therein that the variance will terminate on a specified date, after a specified period of time, or upon the occurrence of any specified event, including the transfer of ownership or possession of the concerned property.

1402 APPEALS

Appeals to the Board of Zoning Appeals for administrative review, conditional use permits or variances may be taken by any person or by any 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 and with the Board, a notice of appeal specifying the grounds thereof. The Zoning Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

1403 HEARING

The Board of Zoning Appeals shall select a time and place for the hearing of an appeal and give at least ten (10) days written notice thereof to the owners of property within five hundred (500) feet of the applicant's property.

In addition, public notice of such hearings as to the time, place, date and subject of the hearing, shall be published in a newspaper of general circulation at least ten (10) days prior to the date of the hearing. Any party in interest may appear and be heard at the hearing in person, by agent or by attorney.

1404 DECISION ON APPEALS

The Board shall render a written decision on the application without unreasonable delay and, in all cases, within thirty (30) days after the close of the hearing. A copy of the decision and findings of fact shall be sent to the Board of Township Trustees, the Township Zoning Commission and, by certified mail, to the applicant.

1405 REAPPLICATION

No application for administrative review, a conditional use permit or variance which had been denied wholly or in part by the Board of Zoning Appeals shall be resubmitted until the expiration of one (1) year or more of such denial, except on grounds of newly discovered evidence or proof which would be sufficient to justify reconsideration by the Board of Zoning Appeals.

ARTICLE XV

ADMINISTRATION

1501 OFFICE OF ZONING INSPECTOR CREATED

A Zoning Inspector and Secretary designated by the Trustees shall administer and enforce this resolution. The Zoning Inspector and Secretary may be provided with the assistance of such other persons as the Trustees may direct.

1502 DUTIES OF ZONING INSPECTOR

For the purpose of this Resolution, the Zoning Inspector shall have the following duties:

- A. Upon finding that any of the provisions of this Resolution are being violated, the Inspector shall notify in writing the person responsible for such violations(s), ordering the action necessary to correct such violation;**
- B. Order discontinuance of illegal uses of land, buildings, or structures;**
- C. Order removal of illegal buildings or structures or illegal additions or structural alterations;**
- D. Order discontinuance of any illegal work being done;**
- E. Take any other action authorized by this resolution to ensure compliance with or to prevent violations(s) of this resolution. This may include the issuance of an action on zoning and certificate of occupancy permits and such similar administrative duties as are permissible under the law.**

1503 COMPOSITION OF ZONING COMMISSION

The Commission, as established by the Township Trustees shall consist of five members, all of which shall be citizens who are residents of the unincorporated area of Greenville Township.

The terms of all members shall be for a maximum of five (5) years and so arranged that the term of one member shall expire each year.

The officers of the Zoning Commission shall consist of a Chairman and Vice Chairman elected by the commission at its Annual meeting for a term of one year.

1504 PROCEEDINGS OF ZONING COMMISSION

The Commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Resolution. Meetings shall be held at the call of the chairman and at such other times as the Commission may determine. All meetings shall be open to the public. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and shall keep records of its examinations and other official actions all of which shall be a public record and be immediately filed in the office of the Commission. At any meeting of the Commission, a quorum should consist of three members of the Commission. No action shall be taken in the absence of a quorum, except to adjourn the meeting to a subsequent date.

1505 RESPONSIBILITIES OF ZONING COMMISSION

For the purpose of this Resolution, the Commission shall have the following duties:

- A. Initiate proposed amendments to this Resolution;
- B. Review all proposed amendments to this Resolution and make recommendations to the Township Trustees.
- C. Review all planned unit developments and make recommendations to the Township Trustees as provided in Section 813.

1506 CREATION, AND ORGANIZATION OF BOARD OF ZONING APPEALS

Pursuant to Section 519.13 of the Ohio Revised Code, the Board of Township Trustees shall create and appoint a Township Board of Zoning Appeals consisting of five (5) members who shall be residents of the unincorporated territory of Greenville Township.

The terms of all members shall be for a maximum of five (5) years and so arranged that the term of one member shall expire each year. Each member shall serve until his or her successor is appointed and qualified. Members of the Board shall be removable by the Board of Township Trustees for non-performance of duty, misconduct in office, or other cause 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 ten (10) days prior to the hearing, either personally or by registered mail, or by leaving such copy at his or her place of residence. The member shall be given an opportunity to be heard and to answer such charges. Vacancies shall be filled by the Board and shall be for the unexpired term.

The Board shall organize and adopt rules in accordance with the provisions of this Resolution. 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 written minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to 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 Board of Township Trustees and shall be a public record.

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 over which the Board has original jurisdiction under this Resolution, or to grant any variance from the requirements stipulated in this Resolution.

Upon confirmation by the Township Trustees, the Board may call upon the Township departments for assistance in the performance of its duties, and it shall be the duty of such departments to render such assistance to the Board as may be reasonably required.

1507 RESPONSIBILITIES OF BOARD OF ZONING APPEALS

The Board of Zoning Appeals shall have the following powers and duties:

A. Administrative Review

To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Inspector in the enforcement of this Resolution.

B. Conditional Uses

To hear and decide only such conditional uses as the Board of Zoning Appeals is specifically authorized to pass on by the terms of this Resolution; to decide such questions as are involved in determining whether conditional uses should be granted; and to grant conditional use permits with such conditions and safeguards as are appropriate under this resolution, or to deny conditional uses when not in harmony with the purpose and intent of this Resolution.

C. Variances, Conditions Governing Applications, Procedures

To 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.

1508 **RESPONSIBILITIES OF ZONING INSPECTOR, BOARD OF ZONING APPEALS AND COURTS ON MATTERS OF APPEAL**

It is the intent of this Resolution that all questions of interpretation and enforcement shall first be 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 decision of the Board of Zoning Appeals shall be to the courts as provided by law.

ARTICLE XVI

NONCONFORMING LOTS, STRUCTURE, AND USES

1601 PURPOSE

This resolution established separate districts, each of which is an appropriate area for the location of the uses which are permitted in that district. Within such established districts as well as those which may be established by future amendments, there are and will be lots, uses of land, structures and uses of structures and land in combination which were lawful before this resolution was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this resolution or future amendments. Since such nonconformities are deemed incompatible with the districts in which they are located, it is the intent of this article to specify those circumstances and conditions under which such nonconformities shall be permitted to continue, but not to encourage their survival. Rather, it is the intent of this resolution to encourage either for the conversion of nonconforming uses into conforming uses as soon as reasonably possible or for their eventual and equitable elimination.

1602 RESTRICTIONS ON NONCONFORMING LOTS, STRUCTURES, AND USES

1602.01 General

Any nonconforming lot, structure, or use which existed lawfully at the time of the adoption of this resolution and which remains nonconforming, as well as any which shall become nonconforming upon any subsequent amendments thereto, may be continued but shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. No additional signs intended to be seen from off the premise shall be utilized in conjunction with nonconforming uses of land or structures shall be permitted upon passage of this resolution.

1602.01 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 a 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 lots must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lots 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 lots is located. Variances of requirements listed in Articles VIII and IX 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 Section 1404 through 1409.

1602.03 Nonconforming Lots of Record in Combination

It two 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 widths 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 requirements stated in this resolution.

1602.04 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:

- A. No such nonconforming use 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.
- B. 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.
- C. If any such nonconforming uses of land are discontinued or abandoned for more than six (6) months (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;
- D. No additional structure not conforming to the requirements of this resolution shall be erected in connection with such nonconforming use of land.

1602.05 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 restriction on area, lot coverage, height, 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:

- A. 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;
- B. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means, it shall not be reconstructed except in conformity with the provisions of this resolution;
- C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

1602.06 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, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. 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.
- B. 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;

- C. If no structural alterations are made, any nonconforming use of a structure or structure and land, 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;
- D. 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;
- E. 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;
- F. 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.

1602.07 Relocation of Building or Structure

No building or structure shall be moved in whole or in part to any other location on the same or any other lot unless every portion of such building or structure which is moved, and the use thereof, is made to conform to all of the regulations of the district in which it is to be located.

1602.08 Displacement

No nonconforming use shall displace a conforming use.

1602.09 **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 an official charged with protecting the public safety, upon order by such official.

1602.10 **Restoration**

Whenever a building, the use of which does not conform to the provisions of this Resolution is damaged by fire, explosion, or act of God to the extent of sixty (60) percent or more of its assessed value, it shall not be restored except in conformity with the district regulations of the district in which it is located.

1602.11 **Discontinuance and Abandonment**

Whenever a nonconforming use has been discontinued for a period of six (6) months or more, such discontinuance shall be considered legal abandonment of the nonconforming use. At the end of that six month period, the nonconforming use shall not be re-established, and any further use shall be in conformity with the provisions of this Resolution.

1602.12 **Elimination on Nonconforming Signs**

Any sign which is nonconforming as to type, location, zoning district, size, setback, or for any other reason (except those signs that are an adjunct to the use of any valid nonconforming building or structure, in which case they shall be regulated by the provisions applicable to such structure) shall be altered, moved, converted, or removed within five (5) years of the date of adoption of this Resolution.

1602.13

Avoidance of Undue Hardships

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 and upon which actual building construction has been carried on diligently. 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.

ARTICLE XVII

DEFINITIONS

INTERPRETATION OF TERMS OR WORDS: For the purpose of this Resolution, certain terms or words used herein shall be interpreted as follows:

1. Word “person” includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
2. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
3. The work “shall” is a mandatory requirement, the word “may” is a permissive requirement, and the word “should” is a preferred requirement.
4. The words “used” or “occupied” include the words “intended, designed or arranged to be used or occupied.”
5. The word “lot” includes the words “plot” or “parcel”.

ACCESSORY USE OR STRUCTURE: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

AGRICULTURE: As used in this Resolution this term shall be interpreted as the same is defined and used in Chapter 519 of the Ohio Revised Code; provided however, that as used in this Resolution, agriculture shall not include:

1. The keeping, caring and harboring of household pets, not exceeding a total of six (6) such pets;
2. The cultivating of land for a household garden the harvest from which is to be utilized solely for the personal consumption of the residents, or immediate family thereof, of the lot or lands upon which the garden is located and not otherwise sold or commercially distributed; and provided that the total area of such garden shall not exceed ten percent of the lot or parcel upon which the garden is located.

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.

ALLEY: See thoroughfare.

ALTERATION, STRUCTURAL: Any change in the supporting members of a building such as bearing wall, columns, beams, or girders.

APARTMENT: A room or a suite of rooms within an apartment house, arranged, intended or designed to be used as a home or residence of one family with kitchen facilities for the exclusive use of the one family.

AUTOMOBILE REPAIR GARAGE: A place where, along with the sale of engine fuels, the following services may be carried out: general repair, engine rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; painting and undercoating of automobiles.

AUTOMOBILE SERVICE STATION: A place where gasoline or any other automobile engine fuel, kerosene or motor oil and lubricants or grease are retailed directly to public on premises; including sale of minor accessories and services for automobiles.

BASEMENT: A story all or partly underground but having at least one-half of its height below the average level of the adjoining ground. (See definition of “story”)

BOARD: The word “Board” or “Board of Zoning Appeals” shall mean the Board of Zoning Appeals of Greenville Township, Darke County, Ohio.

BOARDING HOUSE: (Rooming House) A building other than a hotel, where for compensation and by prearrangement for definite periods, meals or lodging and meals, are provided for three or more persons, but not exceeding ten sleeping rooms. A rooming house or a furnished room house shall be deemed a boarding house for the purposes of this Resolution.

BUILDABLE AREA: The space remaining on a zoning lot after the minimum open space requirements (coverage, yards setbacks) have been met.

BUILDING, ATTACHED: A building attached to another building by a common wall (such wall being a solid wall with or without windows and doors) and/or a common roof with a common horizontal dimension of eight (8) feet or more. See building, semi-attached.

BUILDING, SEMI-ATTACHED: A building attached to another building by a common wall (such wall being a solid wall with or without windows or doors) and/or a common roof with a common horizontal dimension less than eight (8) feet. See building, attached.

BUSINESS, CONVENIENCE: Commercial establishments which cater to and can be located in close proximity to or within residential districts without creating undue vehicular congestion, excessive noise, or other objectionable influences. To prevent congestion, convenience uses include, but need not be limited to, drug stores, beauty salons, barber shops, carry-outs, dry cleaning and laundry pickup facilities, and grocery stores, if less than 10,000 square feet in floor area. Uses in this classification tend to serve a day-to-day need in the neighborhood.

BUSINESS, GENERAL: Commercial uses which generally require locations on or near major thoroughfares and/or their intersections, and which tend, in addition to serving day-to-day needs of the community, also supply the more durable and permanent needs of the whole community. General business uses include, but need not be limited to , such activities as supermarkets, stores that sell hardware, apparel, footwear, appliances and furniture, department stores, and discount stores.

BUSINESS, OFFICE TYPE: Quasi-commercial uses which may often be transitional between retail business and/or manufacturing, and residential uses. Office business generally accommodates such occupations as administrative, executive, professional, accounting, writing, clerical, stenographic, and drafting. Institutional offices of a charitable, philanthropic, or religious or educational nature are also included in this classification.

BUSINESS SERVICES: Any profit making activity which renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes and businesses.

BUSINESS, WHOLESALE: Business establishments that generally sell commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

CARPOR: A roofed structure not more than seventy-five percent (75%) enclosed by walls and attached to the main building for the purpose of providing shelter for one or more motor vehicles.

CARRY-OUT: A place of business where food and beverages are purchased for the consumption on or off the premises.

CEMETERY: Land use 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.

CLUB: A building or portion thereof or premises owned or operated for social, literary, political, educational, or recreational purposes primarily for the exclusive use of members and their guests, but not operated for profit. Alcoholic beverages may be served to members and their guests, provided the service is secondary and incidental to the promotion of some other common objective of the organization, and further provided that the sale or service of alcoholic beverages is in compliance with all applicable federal, state, county, and local law.

COMMERCIAL ENTERTAINMENT FACILITIES: Any profit making activity which is generally related to the entertainment field, such as motion picture theaters, carnivals, night clubs, cocktail lounges, and similar entertainment activities.

COMMUNITY ORIENTED RESIDENTIAL SOCIAL SERVICE FACILITIES: Any facility which provides resident services to a group of individuals of whom one or more are unrelated. These individuals are mentally retarded, handicapped, aged, or disabled; are undergoing rehabilitation; and are provided services to meet their needs. This category includes uses licensed, supervised or under contract by any Federal, State, County or other political subdivision. Community Oriented Residential Social Service Facilities (Residential Homes) include the following categories:

1. **Residential Facilities** are homes or facilities in which a person with a developmental disability resides, except a home subject to Chapter 3721 of the Ohio Revised Code or the home of a relative or legal guardian in which a person with a developmental disability resides. (“Developmental disability” means a disability that originated before the attainment of eighteen years of age and can be expected to continue indefinitely, constitutes a substantial handicap to the person’s ability to function normally in society, and is attributable to mental retardation, cerebral palsy, epilepsy, autism, or any other conditions found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior or requires similar treatment and services.)
 - a. **Family Homes** are residential facilities that provide room and board, personal care, rehabilitation services, and supervision in a family setting for more than eight persons with developmental disabilities.
 - b. **Group Homes** are residential facilities that provide the services of Family Homes for at least nine but not more than sixteen persons with developmental disabilities.
2. **Social Care Homes** are residential homes for children or adolescents who lack social maturity or have emotional problems, but who have not been judged delinquent. Residency may be permanent or transient.
3. **Intermediate Care Homes** are residential homes for children or adolescents who have been assigned by a court to a residential home in lieu of placement in a correctional institution.
4. **Halfway Houses** are residential homes for adolescents or adults who have been institutionalized or who have had alcohol or drug problems which make operation in society difficult and who require the protection of a group setting.

CONCEPT PLAN: See Planned Unit Development, preliminary.

CONDITIONAL USE: A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals.

CONDOMINIUM: Same as "DWELLING, MULTIPLE-FAMILY" where each family owns its own dwelling unit, but where the common areas of the building and site are owned and maintained jointly by the occupants.

CONVALESCENT OR NURSING HOME: An establishment which specializes in providing necessary services to those unable to care for themselves.

COVENANT: A private legal restriction on the use of land, contained in the deed to the property or otherwise formally recorded. There may be certain legal requirements for formal establishment of a covenant such as a written document, a mutual interest in the property, that the covenant be concerned with the use of the land rather than individual characteristics of ownership, etc. Covenants are most commonly used in the establishments of a subdivision to restrict the use of all individual lots in the development to a certain type of use, e.g., single-family dwellings. They are also used in rezoning situations, where contract or conditional zoning is permitted, to bind the landowner to use his property in a specific manner. Finally, they have been used by some communities, e.g., Houston, Texas, to accomplish through private restrictions much of what zoning does through governmental action.

CORNER LOT: See Lot Types.

CUL-DE-SAC: See Thoroughfares.

DAY CARE HOME: Use of a dwelling unit or portion thereof licensed by the state for daytime care of up to 6 persons, including children through age 16 within the family occupying such dwelling unit. This term includes nursery schools, pre-schools, and similar facilities.

DAY CARE CENTER: A facility licensed by the state for daytime care of more than 6 persons. This term includes nursery schools, pre-schools, and similar facilities.

DEAD-END STREET: See Thoroughfare.

DENSITY: A unit of measurement; the number of dwelling units per acre of land.

1. Gross Density - the number of dwelling units per acre of the total land to be developed.
2. Net Density - the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

DISTRICT: Is a portion of the unincorporated area of the township within which certain regulations and requirements or various combinations thereof apply under the provisions of this Resolution.

DOG KENNEL; COMMERCIAL: The keeping of any dog or dogs, regardless of number, for sale, breeding, boarding or treatment purposes except in an animal hospital or dog beauty parlor, as permitted by these regulations, or the keeping of five or more dogs, six months or older, on premises used for residential purposes.

DRAINAGE PLAN: See Section 1303.

DRIVE-IN: Is a business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle, or within a building or structure on the same premises and devoted to the same purpose as the drive-in service.

DWELLING: Any building or structure (except a house trailer or mobile home as defined by Ohio Revised Code 4901.01) which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.

DWELLING UNIT: Space, within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one family and its household employees.

DWELLING, SINGLE FAMILY: A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space.

DWELLING, TWO FAMILY: A dwelling consisting of two dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances.

DWELLING, MULTI-FAMILY: A dwelling consisting of three or more dwelling units including condominiums with varying arrangements of entrances and party walls. Multi-family housing may include public housing and industrialized units.

DWELLING, INDUSTRIALIZED UNIT: An assembly of materials or products comprising all or part of a total structure which, when constructed is self-sufficient or substantially self-sufficient and when installed constitutes a dwelling unit, except for necessary preparations for its placement, and including a modular or sectional unit but not a mobile home.

EARTH STATION: (or Dish Antenna): Earth station shall mean a combination of (1) antenna or dish antenna whose purpose is to receive communication or other signals from orbiting satellites and other extraterrestrial sources (2) a low-noise amplifier (LNA) which is situated at the focal point of the receiving component and whose purpose is to magnify and transfer signals; and (3) a coaxial cable whose purpose is to carry the signals into the interior of the building.

EASEMENT: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

EFFICIENCY: An apartment consisting of a combination living room and bedroom and small auxiliary rooms such as kitchenette, breakfast room and bath arranged so as to consist of not more than one habitable room.

EMINENT COMAIN: The legal right of government to acquire or “take” private property for public use or public purpose upon paying just compensation to the owner. While originally used only when land was to be kept in public ownership, i.e., for highways, public buildings, or parks, property has been condemned under eminent domain powers for private use in the public interest such as urban renewal. (See also inverse condemnation; police power; taking.)

ENCLOSED: A covered space fully surrounded by walls, including windows, doors, and similar openings or architectural features, or an open space of less than one hundred (100) square feet surrounded by a building or walls exceeding eight (8) feet in height.

ESSENTIAL SERVICES: The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground gas, electrical, steam or water transmission, or distribution systems or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, or other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

ERECTED: Includes built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for the construction. Excavation, fill drainage, and the like, shall be considered a part of erection.

FAMILY: Is one or two persons, parents, with their direct lineal descendants and adopted children together with not more than two persons not so related, or a group of not more than three persons who need not be related, living together as a single housekeeping unit in a dwelling unit.

FARM: All of the contiguous neighboring or associated land operated as a single unit on which bona fide farming is carried on directly by the owner-operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees; provided, however, that land to be considered a farm hereunder shall include a continuous parcel or five (5) acres or more in area; provided, further, farms may be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms, and apiaries; but establishments keeping or operating more than five (5) head of livestock, fur-bearing animals, riding or boarding stables,

commercial dog kennels, stone quarries or gravel or sand pits, shall not be considered farm hereunder unless combined with bona fide farm operations on the same continuous tract of land of not less than twenty (20) acres.

FARM VACATION ENTERPRISES (PROFIT OR NON-PROFIT): Farms adopted for use as vacation farms, picnicing and sport areas, fishing waters, camping, scenery and nature recreation areas; hunting areas; hunting preserves and watershed projects.

FEED LOT: Land used for confining and feeding of livestock not connected with general farming for mass production for marketing.

FLOOD PLAIN: That land, including the flood fringe and the floodway, subject to inundation by the regional flood.

FLOOD, REGIONAL: Large floods which have previously occurred or which may be expected to occur on a particular stream because of like physical characteristics. The regional flood generally has an average frequency of the one hundred (100) year recurrence interval flood.

FLOODWAY: That portion of the flood plain, including the channel, which is reasonably required to convey the regional flood waters. Floods of less frequent recurrence are usually contained completely within the floodway.

FLOODWAY FRINGE: That portion of the flood plain, excluding the floodway, where development may be allowed under certain restrictions.

FLOOR AREA: For the purposes of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the interior faces of the exterior walls. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches, except basement areas designed and used for dwelling or business purposes.

FLOOR AREA, GROSS: The sum of the gross horizontal areas of all the several floors of a building or buildings, including interior balconies and mezzanines. All horizontal measurements are to be made between the exterior faces of walls including the walls of roofed porches having more than one wall. The gross floor areas of a building shall include the floor area of accessory buildings, on the same lot, measured the same way.

FOOD PROCESSING: The preparation, storage, or processing of food products. Examples of these activities including bakeries, dairies, canneries, and other similar businesses.

GARDEN APARTMENTS: A multi-story, walk-up apartment building, usually grouped around a common open space with off-street parking provided on the periphery of the site.

GARAGE, PRIVATE: An accessory building or portion of a main building designed or used solely for the storage of motor-driven vehicles, boats, and similar vehicles owned or used by the occupants of the building to which it is accessory.

GARAGE, SERVICE: Any premises used for the storage or care of motor-drive vehicles, or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.

HOME OCCUPATION: Any occupation operated in its entirety within the principal dwelling and only by the person or persons maintaining a dwelling therein; not involving alteration or construction not customarily found in dwellings; not utilizing more than twenty-five percent (25%) of the total actual floor area of any one story; not utilizing any equipment except that which is used normally for purely domestic or household purposes; not displaying, or creating outside the structure any external evidence of the operation of the home occupation except, for one unanimated, non-illuminated, name plate having an area of not more than one (1) square foot.

HOSPITAL OR SANITARIUM: A public or semi-public facility that provides accommodations and continuous service for the sick and injured including obstetrical, medical and surgical care.

INDUSTRIAL UNIT: An assembly of materials or products comprising all or part of a total structure which, when constructed, is self-sufficient or substantially self-sufficient and, when installed, constitutes a dwelling unit except for necessary preparations for its placement and including a modular or section unit but not a mobile home.

INSTITUTION: Building and/or land designed to aid individuals in need or mental, therapeutic, rehabilitative counseling, or correctional services.

JUNK YARDS: An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A "junk yard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

KENNEL: Any lot or premises used for sale, boarding or breeding of dogs, cats, or other household pets. Kennel shall also mean the keeping on, or in, any lot or building of five or more dogs, cats or other household pets which are over the age of six (6) months.

LANDSCAPING: Is the grading, planting of grass, shrubs, and trees.

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. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

LOCATION MAP: See Vicinity Map

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, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

1. A single lot of record;
2. A portion of a lot of record;
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 records.

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 FRONTAGE: The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yards" in this section.

LOT LINES: The lines bounding a lot as defined herein.

FRONT LOT LINE: In the case of an interior lot is that line separating said lot from the right-of-way side line. In the case of a corner lot or double frontage lot is that line separating said lot from either right-of-way side line.

REAR LOT LINE: Is that lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot. In the case of a corner lot, the rear lot line is opposite the front lot line of least dimension.

SIDE LOT LINE: Is any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

LOT MEASUREMENT: A lot shall be measured as follows:

1. **Depth:** The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and rearmost points of the side lot lines in the rear.
2. **Width:** The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line.

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 so recorded.

LOT TYPES: Terminology used in this resolution with reference to corner lots, interior lots and through lots is as follows:

1. **Corner Lots:** A lot located at the intersection of two 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.
2. **Interior Lot:** A lot with only one frontage on a street.
3. **Through Lot:** A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
4. **Reversed Frontage Lot:** A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

MAIN BUILDING: Is a building in which is conducted the principal use of the lot upon which it is situated.

MAJOR THOROUGHFARE: Is an arterial street which is intended to serve as a large volume trafficway for both the immediate area and the region beyond, and may be designated as a major thoroughfare, parkway, freeway, expressway, or equivalent term to identify those streets comprising the basic structure of the street plan. Any street with a width, existing or proposed, of eighty (80) feet shall be considered a major thoroughfare.

MAINTENANCE AND STORAGE FACILITIES: Land, buildings, and structure devoted primarily to the maintenance and storage of construction equipment and material.

MANUFACTURING: 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, 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.

MANUFACTURING, EXTRACTIVE: Any mining, quarrying, excavating, processing, storing, separating, cleaning, or marketing of any mineral natural resources.

MOBILE HOME: Any non-selfpropelled 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 wheels, 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 (4,500) pounds and an overall length of thirty (30) feet.

MOBILE HOME PARK: Any site, or tract of land under single ownership, upon which three 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.

MODULAR HOUSING: An assembly of materials or products comprising all or part of a total residential structure which, when constructed, is permanent and self-sufficient, or substantially self-sufficient; and when installed, constitutes a dwelling unit except for necessary on-site preparations for its placement. Modular constructed units shall be considered as conventional dwelling units for purposes of this Resolution.

MOTEL: Is a series of attached, semi-detached or detached rental units containing a bedroom, bathroom, and closet space. Units shall provide for overnight lodging and are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicle.

NON-CONFORMITIES: A building lot, structure, or use of land existing at the time of enactment of this Resolution, and which does not conform to the regulations of the district or zone in which it is situated.

NUISANCE: Anything that endangers health or safety. There are many types of nuisances, and the law can be invoked to determine when, in fact, a nuisance exists and should be abated. Nuisance law forms part of the basis for zoning. The separation of uses through zoning, e.g., industrial from residential, helps to foster the enjoyment of residential areas free from pollution, noise, congestion, and the other characteristics of industrial areas.

NURSERY:

1. **Plant Material:** Is a space including accessory building or structure for the growing or storage of live trees, shrubs or plant materials not offered for retail sale on the premises, including products used for gardening or landscaping.
2. **Retail:** Is a space including accessory building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises, including products used for gardening or landscaping.

OPEN SPACE: An area substantially open to the sky which may be on the same lot with a building. The features, recreational facilities that the planning (zoning) commission deems permissive. Streets, parking areas, structures for habitation, and the like shall not be included.

PARCEL: A lot or tract, or contiguous groups or portions of such lots and/or tracts shown on the assessor's roll of Darke County, or contiguous area of land under legal control of any one person, partnership, firm, corporation, syndicate, agency or institution. See also lot and tract.

PARKING SPACE: Is hereby determined to be a minimum area of two hundred (200) square feet, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the storage or parking of permitted vehicles.

PERFORMANCE BOND OR SURETY BOND: An agreement by a subdivider or developer with the township for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement.

PERMITTED USE: A use by right which is specifically authorized in a particular zoning district.

PERSONAL SERVICES: Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repair, barber shops, beauty parlors, and similar activities.

PLANNED DEVELOPMENT: Land under unified control, planned and developed as a whole according to comprehensive and detailed plans, including streets, utilities, lots or building sites, site plans and design principles for all buildings as intended to be located, constructed, used and related to each other, and for other uses and improvements on the land as related to buildings. Development may be a single operation or a definitely programmed series of development operations including all lands and buildings, with a program for provision, operation and maintenance of such areas, improvements and facilities necessary for common use by the occupants of the development.

POLICE POWER: The authority of government to exercise controls to protect the public's health, safety, morals, and general welfare. As distinct from eminent domain powers, in which government takes property, no compensation need be paid for the imposition of police power controls. The degree to which such exercise becomes, in effect, a taking of property, is a question of long standing and has arisen again lately in connection with the restrictive growth management controls being imposed by many communities.

PROFESSIONAL ACTIVITIES: The use of offices and related spaces for such professional service as provided by medical practitioners, lawyers, architects, and engineers, and similar professions.

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 by a municipal 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: See Public Service Facility

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 have a right, or which are dedicated, whether improved or not.

PUD: See planned unit development.

QUASI-PUBLIC USE: Churches, Sunday schools, parochial schools, colleges, hospitals, and other facilities of an educational, religious, charitable, philanthropic, or non-profit nature.

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, or fixture of equipment that is used or intended to be used in connection with providing such accommodations.

RECREATIONAL 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.

RECREATIONAL VEHICLE: A vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational or sporting purposes. The term recreational vehicle shall include, but shall not be limited to , travel trailers, pick-up campers, camping trailers, motor coach homes, converted trucks and buses, and boats and boat trailers.

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.

RESTAURANT, CARRY-OUT: An establishment whose primary function is the offering of food and beverages which are sold only inside the building, and are usually packaged to be carried and consumed off the premises, but may be consumed within the restaurant building or on the premises.

RESTAURANT, DRIVE-IN: An establishment offering food and beverages which are sold within the building, or to persons while in motor vehicles in an area designated for drive-in service, and may be consumed on or off the premises.

RESTAURANT, SIT-DOWN: An establishment whose primary function is the offering of food and beverages which are sold and normally consumed within the restaurant building.

REST HOME: A commercial establishment which provides lodging, board, and personal services, other than medical or nursing care, for 3 or more persons residing therein. This includes convalescent homes and homes for the aged, but does not include nursing homes, hospitals, family or group homes.

REZONING: An amendment to or a change in the zoning resolution. Rezoning can take three forms: (1) a comprehensive revision or modification of the zoning text and map; (2) a text change in zone requirements; and (3) a change in the map, i.e., the zoning designation of a particular parcel or parcels. The last, so-called small – parcel rezoning, has often been used to add flexibility to the zoning process, usually unintentionally. (One form of text change, the importance of which may be unrecognized, is a change in a definition. For example, changing the definition of townhouses to include them under multi-family or single-family dwellings may significantly affect where and how they are permitted.) Rezoning, like enactment of the original resolution, are legislative acts that except under rare and specifically defined circumstances, cannot be delegated to administrative officials.

RIGHT-OF-WAY: A strip of land taken or dedicated to 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.

ROW HOUSE: A row of three or more attached, one-family dwellings, each built with a similar architectural treatment, separated by vertical divisions termed party or lot-line walls, and each having private entrances (usually both front and rear). Often called a “town house”, which is a more modern term for row house.

SCREENED: Shielded, concealed, and effectively hidden from view at an elevation up to 8 feet above ground level.

SETBACK LINE: A line established by the zoning resolution, generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory building, or structure may be located above ground, except as may be provided in said code. (See definition of “yard”)

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.

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

SIGN: Any words, lettering, figures, numerals, phrases, sentences, devices, designs, pictures, symbols or trademarks by which anything is made known, such as are used to designate a firm, an association, a corporation, a business, a service of a commodity or product, or any type of publicity, whether placed on natural objects or on a building, fence or other man-made structure, which are visible from any public street or public road right-of-way.

SIGN, ADVERTISING: A sign which directs attention to a business, product, activity or service which is not conducted, sold, or offered upon the premises where such sign is located.

SIGN, ANIMATED: Any sign having a conspicuous and intermittent variation in the physical position of any part of the sign.

SIGN AREA: The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. The necessary support or uprights on which such sign is placed, not being advertising matter, shall not be included in computation of surface area.

The area of a sign having more than one display surface shall be computed as the total of the exposed exterior display surface area.

SIGN, AWNING: Canopy or marquee – A sign that is mounted on or painted on or attached to an awning, canopy, or marquee.

SIGN, BUSINESS: A sign which directs attention to a business, profession, service, product or activity sold or offered upon the premises where such sign is located.

SIGN, BULLETIN BOARD: A structure containing a surface upon which is displayed the name of a religious institution, school or library, auditorium, stadium, athletic field or area of similar use for the announcement of services or activities to be held therein.

SIGN, COMBINATION: Any sign incorporating any combination of free-standing, projecting and/or roof signs.

SIGN, CONSTRUCTION: A sign advertising the development or improvement of a property by a builder, contractor or other person furnishing services, material, or labor to said premises, which sign is intended for a limited period of display and erected on the same lot as the work being done.

SIGN, DIRECTIONAL: A sign directing vehicular or pedestrian movement onto a premises or within a premises.

SIGN, DOMESTIC ADVERTISING: A sign advertising the sale of household goods previously used by an individual or his family, when such sign is located at the place or residence of the individual or family.

SIGN, FACE: The surface of the sign upon, against or through which the message of the sign is exhibited.

SIGN, FLASHING: Any sign having a conspicuous and intermittent variation in the illumination of the sign.

SIGN, FREE-STANDING: A sign which is supported by one (1) or more uprights, poles, or braces in or upon the ground.

SIGN, GROUND: A free-standing sign supported by one or more uprights, braces or pylons located in or upon the ground, or something requiring location on the ground, including “billboards” or “poster panels”, so called.

SIGN, HEIGHT: The vertical distance from the uppermost point used in measuring the area of the sign to the crown of the road on which the property fronts.

SIGN, IDENTIFICATION: A sign located at or near the entrance to an industrial, business or residential development which is necessary for the safety or convenience of motorists and which is therefore erected primarily in the public interest. An identification sign shall consist only of the name of the development, appropriate decorative embellishments, and if necessary, a directional symbol.

SIGN, ILLUMINATED: Any sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light.

1. **Indirect Illumination** – A light source not seen directly.
2. **Internal Illumination** – A light source concealed or contained within the sign, and which becomes visible in darkness through a translucent surface.

SIGN, INTERIOR: Signs located within a structure not intended to be seen from the exterior. Signs affixed to a window or the walls enclosing the display area behind a window, which are obviously intended for viewing from the exterior, shall be considered exterior signs.

SIGNS, LIGHT DEVICE: Any light, string of lights, or group of lights located or arranged so as to cause illumination on a sign.

SIGN, NAME PLATE: A sign designating only the name and address or the name and professional occupation and address of a person or persons residing in or occupying such building or premises.

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

SIGN, POLITICAL: A sign which promotes, identifies, announces, opposes or otherwise offers for public consideration any political candidate or issue, partisan or nonpartisan.

SIGN, PROJECTING: A sign which is affixed to any building or part thereof, or structure, which extends beyond the building wall or parts thereof, or structure, by more than twelve (12) inches. A projecting sign shall not include a ground sign as herein defined.

SIGN, REAL ESTATE: A sign advertising for sale, lease or rent the parcel of real estate on which the sign is located. Also, temporary directional signs less than four (4) square feet in message area displayed during the hours in which an “open house” showing of real property for sale, lease or rent is actually being conducted shall be considered real estate signs, even though they may not be located on the parcel or real estate being advertised.

SIGN, ROOF: A sign erected upon or above a roof or parapet wall of a building or structure.

SIGN, STRUCTURE: The supports, uprights, bracing or framework for signs.

SIGN, SUBDIVISION: A sign advertising the sale or development of subdivision lots, parcels, or tracts and erected upon the property being subdivided and advertised for sale.

SIGN, TEMPORARY: A banner, pennant, poster display or illustration which is affixed to or painted upon or represented directly or indirectly upon a building, structure or piece of land and which directs attention to an object, product, place, person, institution, organization or business and is constructed of cloth, canvas, plastic sheet, cardboard or other like materials and which is intended to be displayed for a limited period of time as determined by the Zoning Commission.

SIGN, WALL: Any sign painted on, attached to, or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall and extending not more than eighteen (18) inches from the face of the wall.

SIGN, WARNING: Any sign indicating danger or a situation which is potentially dangerous.

SIGN, WINDOW-PERMANENT: Any sign visible from the exterior of a building or structure which is painted, attached, glued or otherwise affixed to a window or depicted upon a card, paper or other material and placed on, taped on, or hung immediately behind the window or displayed from a window for the specific purpose of identifying the proprietor or name of business to the passerby.

SIGN, WINDOW-TEMPORARY: A sign visible from the exterior of a building or structure which is painted on a window; depicted upon a card, paper, or other material; or placed on, taped on, or hung immediately behind the window, or displayed from a window for the specific purpose of attracting attention of the passerby to a sale, or to promotional items, or other products or services.

SITE PLAN: A plan, to scale, showing uses and structure proposed for a parcel of land as required by the regulations involved. It includes lot lines, streets, building sites, reserved open space, buildings, major landscape features – both natural and man-made – and, depending on requirements, the locations of proposed utility lines, and drainage.

SKETCH (CONCEPT; OUTLINE) PLAN OR PLAT: A generalized map that is prepared by a developer, usually before the preapplication conference, to let the developer/subdivider save time and expense in reaching agreement with the planning commission as to the form of the plan and the purposes of the regulations. Its purpose is simply to serve as a basis for discussion without either side making commitments.

SPOT ZONING: Zoning a relatively small area differently from the zoning of the surrounding area, usually for an incompatible use and to favor the owner of a particular piece or pieces of property. Spot zoning is invalidated by the courts when it violates “in accordance with a comprehensive plan” is in the arbitrary and inappropriate nature of the change rather than, as is commonly believed, in the size of the area. Spot zoning often is a reason why many flexible techniques such as floating zones or conditional rezoning have been prohibited, the argument being that conferring narrow development permission is a form of spot zoning. Special small-area zoning district, however, have been upheld where the comprehensive plan demonstrates a special need, such as for a historic area or to preserve a sensitive natural area. Spot zoning, in sum, can be legal or illegal, but laymen generally think that it always is illegal and use the term loosely – and pejoratively – at public hearings when they oppose change.

STORY: The part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than fifty (50) percent, by cubic content, is below the height level of the adjoining ground.

SUBDIVISION:

1. The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two (2) or more parcels, sites, or lots any one of which is less than five (5) parcels for the purpose, whether immediate or future, of transfer of ownership; provided, however, that the division of partition of land into parcels of more than five (5) acres not involving any new streets or easements of access and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted; or

2. **The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any street or streets except private streets serving industrial structures; the division or allocation of land as open space for common use by owners, occupants, or lease holders, or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities. (See "minor subdivision")**

SWIMMING POOL: A pool, pond, lake, or open tank containing at least 1.5 feet of water at any point and maintained by the owner or manager.

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

TAVERN: Facilities or a building where liquors are sold to be consumed on the premises, but not including restaurants where the principal business is serving food. Tavern shall also include private clubs in which alcoholic beverages are regularly sold or served as a principal activity of the organization.

TEMPORARY USE OR BUILDING: Is a use or building permitted by the Board of Appeals to exist during period of construction of the main building or use, or for special events.

THOROUGHFARE, STREET OR ROAD: The full width between property lines bounding every public way or whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

1. **Alley:** A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
2. **Arterial Street:** A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous basis.
3. **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.
4. **Cul-de-sac:** A local street of relatively short length with one end open to traffic and the other end terminating a vehicular turnaround.

5. **Dead-end Street**: A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continuing in the future.
6. **Local Street**: A street primarily for providing access to residential or other abutting property.

TOWNHOUSE: See row house.

TOWNSHIP TRUSTEES: The Board of Township Trustees of Greenville Township, Darke County, Ohio.

TRAILER: See mobile home.

TRAILER COURT: See mobile home court.

USE: The specific purposes for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

USE, CONDITIONAL: A use, listed by the regulations of any particular district as a conditional use within that district and allowable therein, solely on a discretionary and conditional basis, subject to issuance of a Conditional Use Permit, and to all other regulations established by this Resolution.

USE, NONCONFORMANCE: A use which lawfully occupied a building or land at the time this Resolution or an amendment hereto became effective and which does not now conform with the use regulations applicable in the zone district in which it is located.

USE, PERMITTED: A use listed by the regulations of any particular district as a permitted use within that district, and permitted therein as a matter of right when conducted in accord with the regulations established by this Resolution.

USE, PRINCIPAL: A use which fulfills a primary function of a household, establishment, institution, or other entity.

VARIANCE: A variance is a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant.

VEHICLE: Every device, in, upon, or by which any person or property is or may be transported or drawn upon a highway or street, except devices moved by human power.

VEHICLE, COMMERCIAL: Any vehicle designed, intended or used as a means for transportation on land of people, goods or thing used in trade and traffic or commerce in general.

VEHICLE MOTOR: Every vehicle which is self-propelled.

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.

VICINITY MAP: A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.

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

ZONING ADMINISTRATOR: Generally, the local official responsible for granting zoning permits and, following a determination by the Zoning Board of Appeals, for conditional permits and variances. Decisions of the official usually are appealable to the Board of Appeals.

ZONING AMENDMENT: See rezoning.

ZONING BOARD OF APPEALS: See Board of Appeals.

ZONING CERTIFICATE: See zoning permit.

ZONING COMMISSION: The Township Zoning Commission of Greenville Township, Darke County, Ohio.

ZONING PERMIT: An official finding that a planned use of a property, as indicated by an application, complies with the requirements of the zoning resolution or meets special conditions of a variance or conditional permit; the resolution also will specify additions or alterations that need to have a permit.

**GREENVILLE TOWNSHIP
ZONING STANDARDS SCHEDULE**

ZONING DISTRICT		MINIMUM LOT AREA	MINIMUM LOT WIDTH	MINIMUM FRONT YARD	MINIMUM SIDE YARDS	MINIMUM REAR YARDS	MAXIMUM BUILDING HEIGHT	MINIMUM LIVING SPACE SQUARE FOOTAGE
A-1	Agricultural	20 Acres	200'	60" From Edge of Row	50'	60'	35'	1200 Sq. Ft.
RR-1	Rural Residential							
	Single Family	2 Acres	125'	50'	15'	35'	35'	1200 Sq. Ft.
	With central sewer	15,000	100'	35'	15'	40'	35'	1200 Sq. Ft.
SUR	Suburban Urban Residential (permitted uses with central sewer)							
	Single Family	7,500	60'	25'	5'(1)	40'	35'	1200 Sq. Ft.
	Two Family	8,000	80'	25'	5'(1)	40'	35'	1200 Sq. Ft.
	Multi Family	3,500 per unit	85'	25'	5'(1)	40'	35'	one bedroom 600 two bedroom 900 three bedroom 1100
	(conditional uses with central sewer)							
	Townhouses	3,000 per unit	20' per unit	(2)	(2)	(2)	35"	
	Elderly Housing	2,500 per unit	85' per unit	25'	5' (1)	35'	6 stories	
<p>(1) Plus one (1) foot for each two (2) feet by which the building height exceeds 15 feet (2) See provision (2) page 30 for yard provisions</p>								
B-1	Business District	7,500	60'	25'	10' (1) (2)	40' (1)	35'	As Required in R.R.
<p>(1) None when adjacent to a Residential or a Planned Residential District</p>								
I	Industrial District	30,000		50'	50'	50'	45'	As Required in R.R.
AB	Agricultural District	20,000		100'	50'	50'	40'	

