

**DUDLEY TOWNSHIP ZONING REGULATIONS
HARDIN COUNTY, OHIO
November 1973**

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AMENDMENTS

CHAPTER 1:
GENERAL REGULATIONS

CHAPTER 1 - GENERAL REGULATIONS

Section A Title and Preamble

WHEREAS, it is determined by the Board of Township Trustees of Dudley Township that is in the interest of the public health, public safety, and general welfare of the Township to regulate the location and use of buildings, structures and land for business and industry, for residential development and housing, or other purposes, to divide Dudley Township into such zoning districts as are deemed best suited for said purposes; to provide a method of administration and enforcement; and to prescribe penalties for violation of the provisions thereof.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TOWNSHIP TRUSTEES OF DUDLEY TOWNSHIP,

That a Zoning Resolution be adopted containing the following provisions:

Section B Area of Jurisdiction

1. The provisions of this Resolution shall apply to the entire unincorporated land area of Dudley Township, Hardin County, Ohio.
2. Nothing in this Resolution shall impose restrictions with respect to land used for legitimate agricultural purposes or with respect to the erection, maintenance, repair, alteration, remodeling or extension of agricultural buildings or structures except that such agricultural buildings or structures shall conform to required setback lines; nor shall this Resolution be deemed to specify or regulate the type or location of any materials or distributing equipment of a public utility.

Section C Required Conformance, Dwelling Size and Pre-Existing Use

Except as hereinafter specifically provided,

1. No land shall be used except for a use permitted in the District in which it is located or for a use conditionally permitted, subject to the issuance of a Conditional Use Permit by the Zoning Enforcement Officer.
2. No building shall be erected, converted, enlarged, reconstructed, nor shall any building be moved onto the zoning lot or within the same zoning lot, unless this is a use permitted in the District in which such building is located, except as provided for in Chapter 4, Section F.3. No parcel of land described by metes and bounds nor any lot shall hereafter be created which does not conform to, and meet the requirements of, this Resolution.

3. No dwelling unit in an "A" or "R" District shall have a floor area less than the following:

	Minimum Floor Area Per Dwelling Unit Zoning District (Sq. Ft.)
A-1	800 - Single-family dwellings 600 - Mobile home dwellings
R-1	800 - Single-family dwellings 600 - Mobile home dwellings
R-2	800 - Single-and two-family dwellings 650 - Multiple-family dwellings
R-MHP	600 - Mobile home dwellings

4. Except as hereinafter specified, any pre-existing use, building or structure that is existing at the time of the enactment of this Resolution, may be continued, even though such use, building or structure may not conform with the provisions of the District in which it is located.

Section D Interpretation and Purposes

In interpreting and applying the provisions of this Resolution, they shall be held to be the minimum requirements adopted for the promotion of the public health, public safety, and general welfare.

Section E Establishment of Zoning Districts

That, for the purposes as stated in Section A, Title and Preamble, Dudley Township, Hardin County, Ohio is hereby divided into eight zoning districts -- A-1 Agricultural District; R-1 Low Density Residential District; R-2 Medium Density Residential District; R-MHP Mobile Home Park District; C-1 General Commercial District; I-1 General Industrial District; FP Flood Plain District; and ME Resource and Mineral Extraction District -- all as shown on the Official Zoning District Map which accompanies and is an internal part of this Resolution. The Districts designated on the Official Zoning District Map and described in this text are hereby established, and no buildings or structures shall be erected or altered nor any land used except in conformity with the regulations herein prescribed for the Districts in which such buildings or premises are located.

Section F Minimum Size Requirements for New Zoning Districts

Districts established after adoption of this Resolution shall meet the following minimum size:

Districts		Required Minimum Size
A-1	Agricultural District	No Minimum
R-1	Low Density Residential District	5 Acres
R-2	Medium Density Residential District	4 Acres
R-MHP	Mobile Home Park District	5 Acres
C-1	General Commercial District	2 Acres
I-1	General Industrial District	5 Acres
FP	Flood Plain and Drainageway District	No Minimum
ME	Resource and Mineral Extraction District	15 Acres

Section G Miscellaneous Provisions

- Frontage required.** All lots created after adoption of these addendums to this resolution shall have continuous frontage on a legally dedicated public thoroughfare of full depth of the lot.
- All references to frontage in the Dudley Township Zoning Regulations shall read continuous frontage.
- Hardship conditional use:**

 - Hardship for this purpose is the need for close personal care with the primary care giver in a separate dwelling.
 - The Board of Zoning Appeals shall determine the existence of the hardship based on the applicant’s explanation of the hardship as stated on the “Application for Conditional Permit”.
 - Application shall list: Identity of hardship, name of persons requiring personal care, name of primary caregiver, name of property’s owner, signature of the patient caregiver and the property’s owner and a second source confirmation from a professional representative.
 - The separate dwelling must be located at least thirty (30) feet from the existing dwelling.
 - Mobile homes must be removed within ninety (90) days after the hardship care terminates.
 - Written approval from the Hardin County Board of Health must be obtained prior to construction.
- Remote Residential Flag Lots:**
The minimum road frontage shall extend the entire depth of the lot back to the building site.
- Pond and Pool Regulations**
When constructing ponds must be a minimum distance of forty (40) feet from any property line and eighty (80) feet from the center of the road. An application for a permit must be obtained and approved prior to construction.

CHAPTER 2:
DISTRICT REGULATIONS

CHAPTER 2
DISTRICT REGULATIONS

Zoning District	Permitted Uses	Conditionally Permitted Uses	Minimum Lot Size	Minimum Frontage	Maximum Height	Min		
						Minimum Yard Requirements Front	Side	Rear
A1 AGRICULTURAL	<p>1) <u>Agricultural</u> - Any customary use, building or structure, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, animal & poultry husbandry, nurseries & greenhouses.</p> <p>2) <u>Residential</u> - Farm houses & rural, non-farm homes. Mobile homes on individual parcels in accordance with the conditions for approval outlined in Chapter 3, Section G.</p> <p>3) <u>Institutional & Educational</u> - churches & other similar places of worship, not including funeral or mortuary chapels; & schools.</p> <p>4) <u>Recreational</u> - Parks & recreation sites.</p> <p>5) <u>Public Facilities & Utilities</u> - where a location in an A-1 District is necessary.</p>	1) Dwellings for Hired Hands	Three (3.0) acres	300 ft.	Two & one-half (2 1/2) stories, or 35 ft. in height.	80 ft.	40 ft. for non-farm homes & mobile homes on individual lots.	40 ft. for non-farm homes & mobile homes on individual lots.

CHAPTER 2 (CONT)

Zoning District	Permitted Uses	Conditionally Permitted Uses	Minimum Lot Size	Minimum Frontage	Minimum Maximum Height	Minimum Yard Requirements			
						Front	Side	Rear	
R-1 LOW DENSITY RESIDENTIAL	<p><u>Purpose & Intent.</u> The R-1 Low Density Residential District is hereby created in order that there be areas within Dudley Township, Hardin County, Ohio exclusively reserved for single-family residential development at relatively low density on land which is vacant or in agricultural cultivation at the time of the adoption of this Resolution. When developed according to the regulations so stated, these areas will constitute areas of sound residential development & will remain semi-rural in character.</p>	<p>1) <u>Agriculture & Farms.</u> 2) <u>Residential</u> - Single-family detached dwellings, including modular housing units. 3) <u>Institutional & Educational</u> - Churches & other similar places of worship, not including funeral chapels or mortuary chapels, & schools. 4) <u>Recreational</u> - Public parks, playgrounds, recreational & community center buildings & grounds of a non-commercial nature. 5) <u>Public Facilities & Utilities</u> - where a location in an R-1 District is necessary.</p>	<p>1) <u>Recreation</u> - Private, non-commercial recreation areas & facilities such as swimming pools, recreation clubs, summer camps, golf courses & country clubs provided the conditions for approval specified in Chapter 3, Section I are met.</p>	30,000 sq. ft. These lots may be serviced with on-site sewage disposal provided these sewers fully meet the minimum standards of the Hardin County Health Department and Ohio Department of Health.	150 ft.	Two & one-half (2 1/2) stories, or 35 ft. in height.	80 ft.	25 ft.	40 ft.

Zoning District	Permitted Uses	Conditionally Permitted Uses	Minimum Lot Size	Minimum Frontage	Maximum Height	Front	Side	Rear	
									R-2 MEDIUM DENSITY RESIDENTIAL

CHAPTER 2 (CONT)

<u>Zoning District</u>	<u>Permitted Uses</u>	<u>Conditionally Permitted Uses</u>	<u>Minimum Lot Size</u>	<u>Minimum Frontage</u>	<u>Maximum Height</u>	<u>Minimum Yard Requirements</u>		
						<u>Front</u>	<u>Side</u>	<u>Rear</u>
R-1 MHP MOBILE HOME PARK	<u>Permitted Uses</u>	1) <u>Mobile Homes</u> located in Mobile Home Parks; related management & maintenance offices & facilities; laundry & drying facilities provided the conditions for approval specified in Chapter 3, Section H are met.	Four thousand (4,000) sq. ft. per mobile home.	40 ft.	15 ft.	15 ft.	15 ft.	20 ft.
<u>Purpose & Intent.</u> The purpose of this District is to specify the conditions under which mobile home parks may be permitted within Dudley Township.	1) <u>Agriculture & Farms.</u> 2) <u>Public Parkland & Recreation Sites.</u>							
C-1 GENERAL COMMERCIAL	<u>Permitted Uses</u>	1) Any other retail or service establishment which the Board of Appeals determines to be of the same convenience commercial or highway commercial character & nature of those specifically allowed.	Five thousand (5,000) sq. ft.	50 ft.	Three stories, or 45 ft. in height.	40ft.	None, except 20 ft. when adjacent to an "R" District.	10 ft., except 40 ft. shall be required when adjacent to an "R" District.
<u>Purpose & Intent.</u> The C-1 General Commercial District is hereby created in order that there be areas within Dudley Township where commercial uses may be located. It is the intent that these businesses, which are oriented mainly to the surrounding resident population & to a certain extent, to highway-oriented trade, be located in relatively compact districts along State highway frontage within Dudley Township.	1) <u>Agriculture & Farms.</u> 2) <u>Retail & Services</u> - Supermarkets, barber shops, beauty shops, clothing stores, dry cleaning & laundries, drug stores, garden supply stores & the like, florists, furniture stores, grocery stores, hardware stores, paint stores, shoe stores, sporting goods stores. 3) <u>Business & Professional Offices</u> - Doctors & dentists offices; finance, insurance & real estate offices. 4) <u>Motels & Restaurants.</u> 5) <u>Automotive Services</u> - Gasoline filling stations, automotive & related repair shops, body shops, automotive & related sales & servicing, tire sales & service.							

CHAPTER 2 (CONT)

<u>Zoning District</u>	<u>Permitted Uses</u>	<u>Conditionally Permitted Uses</u>	<u>Minimum Lot Size</u>	<u>Minimum Frontage</u>	<u>Maximum Height</u>	<u>Minimum Yard Requirements</u>		
						<u>Front</u>	<u>Side</u>	<u>Rear</u>
C-1 GENERAL COMMERCIAL - Cont'd. -	5) <u>Automotive Services</u> - cont'd. Automotive parts, agricultural implement sales & storage, marina equipment sales, mobile home/ travel trailer sales. 6) <u>Building & Related Trades</u> - Carpenter shops; electrical plumbing, air conditioning & heating shops; furniture upholstery & similar establishments. 7) <u>Commercial Recreation</u> - Baseball fields, golf driving ranges, amusement parks, & similar open air facilities. 8) <u>Funeral Homes & Mortuaries.</u> 9) <u>Animal Hospitals</u> - Animal hospitals, kennels, pet shops, housing or boarding or caring for animals. 10) <u>Travel Trailer Transient Parks, Campgrounds.</u>							

<u>Zoning District</u>	<u>Permitted Uses</u>	<u>Conditionally Permitted Uses</u>	<u>Minimum Lot Size</u>	<u>Minimum Frontage</u>	<u>Maximum Height</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
I-1 GENERAL INDUSTRIAL	1) <u>Agriculture & Farms.</u> 2) <u>Industry & Manufacturing</u> - Any industrial or manufacturing or processing establishment, provided that the establishments meet the minimum performance standards for nuisance values as specified in Chapter 3, Section M. 3) <u>Wholesaling & Warehousing</u> - Any wholesale business, storage, warehousing including beverage bottling & distributing plants. 4) <u>Building Materials Sales Yards.</u> 5) <u>Public Facilities & Utilities,</u> where a location in I-1 District is necessary.	1) <u>Automotive wrecking yards</u> - Provided the conditions for approval specified in Chapter 3, Section E are met. 2) <u>Junkyards</u> - Provided the conditions for approval specified in Chapter 3, Section F are met. 3) <u>Sanitary Landfills</u> - Provided the conditions specified in Chapter 3, Section L are met.	Ten thousand (10,000) sq. ft. where central or group sewers are provided;	100 ft.	Three (3) stories, or 45 ft. in height.	35 ft.	25 ft. except 40 ft. when adjacent to an "R" District.	10 ft., except 40 ft. when adjacent to an "R" District.

Purpose & Intent. The I-1 General Industrial District is hereby created in order that there be areas within Dudley Township which are exclusively for industry, manufacturing, processing & related operations, & which are incompatible with the residential & commercial areas of the Township. It is the intent of this Resolution that these areas be reserved exclusively for industrial & related purposes to provide suitable sites for such activity.

CHAPTER 2 (CONT)

<u>Zoning District</u>	<u>Permitted Uses</u>	<u>Conditionally Permitted Uses</u>	<u>Minimum Lot Size</u>	<u>Minimum Frontage</u>	<u>Maximum Height</u>	<u>Minimum Yard Requirements</u>		
						<u>Front</u>	<u>Side</u>	<u>Rear</u>
ME - RESOURCE & MINERAL EXTRACTION	1) <u>Agriculture & Farms.</u>	1) <u>Quarries</u> - Provided the conditions for approval specified in Chapter 3, Section K are met. 2) <u>Sand & Gravel Pits</u> - Provided the conditions for approval specified in Chapter 3, Section K are met. 3) <u>Extraction of Oil and/or Natural Gas from sub-surface strata</u> - Provided the conditions for approval specified in Chapter 3, Section K are met.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.

Purpose & Intent. The ME-Resource & Mineral Extraction District is hereby created in order that there be areas within Dudley Township exclusively reserved for the mining & extraction of mineral resources from the ground so that these activities do not adversely affect the surrounding properties, & that the land is restored to a useful condition once the minerals have been extracted from the subsurface.

<u>Zoning District</u>	<u>Permitted Uses</u>	<u>Conditionally Permitted Uses</u>	<u>Minimum Lot Size</u>	<u>Minimum Frontage</u>	<u>Maximum Height</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
FP - FLOOD PLAIN & DRAINAGEWAY	1) <u>Agriculture & Farms.</u> 2) <u>Public & Private Parklands, Recreation Sites & Open Space.</u> 3) <u>Open Storage of Floatable Materials</u> - Logs, tree stumps & branches, lumber, lumber products & other floatable material may be placed, displayed, or stored in the open on flood plain land, where permitted by the State statutes, provided the area so used is enclosed by an open wire fence properly anchored to restrain such materials from floating downstream during times of high water.	None	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.

Purpose & Intent. The FP-Flood Plain & Drainageway District is designed to meet the need of storm water channels to carry abnormal flows of water in time of high water & flooding; to prevent encroachments into the districts which will unduly increase flood heights & damage; & to prevent the loss of life & excessive damage to property in the area of greatest flood hazard.

CHAPTER 3:

**SUPPLEMENTARY
REGULATIONS**

CHAPTER 3 - SUPPLEMENTARY REGULATIONS

- A. **Adult Oriented Business.** Adult oriented businesses are not permitted in Dudley Township
- B. **Specific Off-Street Parking Requirements.** Off-street parking shall be provided in accordance with the schedule outlined below. Off-street parking and loading requirements for any use not specified in this Resolution shall be the same as that specified for a similar permitted use in the same zoning district.
1. Animal Hospitals; Automobile sales and service garages; Business and professional offices; Furniture and Appliance stores; Household equipment or Furniture repair shops; and Retail and Service Businesses - 100% of floor area
 2. Assembly Halls, Restaurants, Taverns and Night Clubs - 200% of floor area
 3. Bowling Alleys - 2.5 spaces per bowling alley
 4. Churches and other similar places of worship, and schools - 1 space for every 8 seats in a main auditorium, or 1 space for every 17 classroom seats, whichever is greater.
 5. Dwellings -
Elderly Housing - 1.5 spaces per dwelling unit
- .5 spaces per dwelling unit
 6. Funeral Homes, Mortuaries - 4 spaces for each parlor, or 1 space for every 50 sq. ft. of floor area, whichever is greater.
 7. Hospitals - 1 space for each 2 beds
 8. Hotels, Motels - 1 space for each bedroom
 9. Theaters, Assembly Halls with fixed seats - 1 space for every 4 seats
 10. Wholesale Establishments or Warehouses - 1 space for every 2 employees or 10% of floor area, whichever is greater.

C. **Specific Off-Street Loading Requirements.** There shall be provided off-street loading spaces or berths in connection with every building or part thereof hereafter erected, except dwellings, on the same lot with such buildings, for uses which customarily receive or distribute material or merchandise by vehicle, in accordance with the following requirements:

- | | |
|--|---|
| 1. Retail/Service/Office Establishments | - 1 space for the first 10,000 sq. ft. of floor area; 1 space for the next 30,000 sq. ft.; and 1 space for each additional 20,000 sq. ft. |
| 2. Truck Terminal/Warehouse/Wholesale Establishments | - 1 space for every 7,500 sq. ft. of floor area |
| 3. Industrial Plants | - 1 space for the first 10,000 sq. ft. of floor area; and 1 space for each additional 20,000 sq. ft. of space. |

D. **Permitted Business Signs and Maximum Size.** The following signs shall be permitted in the A-1, R-1 and R-2 Districts:

1. One (1) bulletin board not exceeding twenty (20) square feet in area for any church, school, or other public or semi-public institution.
2. One (1) temporary unlighted real estate sign advertising the sale or rental of the premises on which it is maintained, not exceeding a total area of nine (9) square feet and located at least twelve (12) feet from all street right-of-way lines or flat against the building.
3. One (1) temporary unlighted sign not exceeding fifty (50) square feet in area in a real estate development containing five (5) lots or more. Such sign shall be set back from every street line or any other lot in any "R" District at least a distance equal in feet to the front yard requirement of that district. Such sign shall be removed within three (3) years from the date of its construction.
4. Home occupation signs denoting only the name and profession of an occupant in a dwelling, and not exceeding nine (9) square feet in area.

In the C-1 General Commercial District, business signs shall be permitted provided that the maximum surface area per sign does not exceed forty (40) square feet, and provided that signs mounted on poles do not exceed twenty-five (25) feet in overall height. In the I-1 General Industrial District, business signs shall be permitted provided that the maximum surface area of the sign does not exceed one hundred fifty (150) square feet. In the C-1 and I-1 Districts, all business signs erected must have a direct relationship to the commercial or industrial activity being conducted.

No political sign shall be posted in any place or in any manner that is destructive to public property upon posting or removal. All candidates for public office, their campaign committees, or other persons responsible for the posting on public property of campaign material shall remove such material with two (2) weeks following election day.

E. **Billboard Minimum Requirements.**

1. **Location.**

- a. Billboards shall be permitted only in the A-1, C-1 and I-1 Zoning Districts.
- b. Billboards shall be so located as not to project into the public right-of-way.
- c. No billboard shall be located within two hundred fifty (250) feet of an exit or entrance to a limited or controlled access highway.
- d. No billboards shall be located within one hundred (100) feet of any state highway right-of-way; within fifty (50) feet of any county road right-of-way, or within twenty-five (25) feet of any township road right-of-way.
- e. No billboard shall be located within two hundred (200) feet of any "R" District.
- f. Billboards shall be set back a minimum of twenty-five (25) feet from the intersection of property lines at the corner of a block, measured along each property line.

2. **Maximum Size.** No billboard shall contain more than one thousand six hundred (1,600) square feet of surface area above the average grade nor be elevated to a height less than six (6) feet from the ground.

3. **Construction.** All free-standing billboards shall be constructed on steel or wood supports.

4. **Nonconforming Business Signs and Billboards.** Business signs and billboards existing at the time of the enactment of this Resolution and not conforming to its provisions shall be regarded as pre-existing signs which may be continued for an indefinite period of time, if properly repaired and maintained as provided in sub-section 8. All new business signs and billboards which are erected after the date on which this Resolution is enacted shall satisfy all the provisions of this Section.

5. **Maintenance and Repair.** No person owning or controlling a business sign or billboard shall fail to keep such sign in a state of good repair at all times with all braces, bolts, clips and supporting frame free from deterioration, termite infestation, rot, rust, loosening and such condition that at all times it will withstand the wind pressure specified in this Section.

6. **Illumination.** All business sign and billboard illumination shall be subject to the following limitations:

- a. The light from any illuminated sign shall be so shaded, shielded, or directed that the light intensity or brightness will not be objectionable to surrounding property.
 - b. No colored lights shall be used at any location or in any manner so as to be confused with or construct as traffic control devices. Neither the direct nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public highways, roads or streets.
 - c. All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated business signs or billboards shall be in accordance with the provisions of the National Electric Code or the local electric code in effect.
 - d. All billboards shall have constant illumination if they are lighted at night.
- F. **Automotive Wrecking Yards.** Automotive wrecking yards are conditionally permitted in the A-1 Agricultural District and the I-1 General Industrial District provided that they meet the conditions outlined below:
- 1. The site shall contain not less than ten (10) acres.
 - 2. The site shall have adequate access onto a hard surfaced State highway or county road that is regularly maintained.
 - 3. The site shall be a minimum distance of:
 - a. One hundred (100) feet from any state highway or county road frontage.
 - b. One thousand (1,000) feet from any residence in an A-1 District.
 - c. Two thousand (2,000) feet from any "R" District.
 - 4. The site shall be entirely surrounded by a solid fence or wall.
- G. **Home Occupation.**
- 1. Home occupations are permitted in A1, R1, and R2 districts and require a permit.
 - 2. Home occupations are permitted in two classes:
 - a. #1 – In Home permitted in A1, R1, and R2 districts.
 - b. #2 – Home Accessory Building permitted in A1.
 - 3. Home Occupations - #1 In Home must meet requirements as specified in 5-4.
 - 4. Home Occupations - #2 Accessory Building Home Occupations are permitted in A1 districts to accommodate agriculture related repair shops and other home related shops. A maximum of three (3) non-resident persons may be engaged in such occupation.
 - 5. One non-illuminated sign, not exceeding nine (9) square feet is permitted. Sign may be free standing and conform to sign provision 3-2, C-2.
 - 6. Any need for parking generated by the conduct of such occupation shall be met off the street and other than in a required front yard. No equipment or process shall be used in such occupation that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes functions in line voltage off the premises.

H. **Junkyards.** Junkyards are conditionally permitted in the A-1 Agricultural District and the I-1 General Industrial District provided that they meet the conditions outlined below:

1. The site shall contain not less than ten (10) acres.
2. The site shall have adequate access onto a hard surfaced state highway or county road that is regularly maintained.
3. The site shall be a minimum distance of:
 - a. One hundred (100) feet from any state highway or county road frontage.
 - b. One thousand (1,000) feet from any residence in an A-1 District.
 - c. Two thousand (2,000) feet from any "R" District.
4. The site shall be entirely surrounded by a solid fence or wall and be high enough to be completely concealed from road

I. **Mobile Homes.** Mobile homes on individual parcels are conditionally permitted in the A-1 Agricultural District and the R-1 Low Density Residential District provided that they meet the conditions outlined below:

1. The minimum lot size shall be as follows:
 - a. Three (3) acres in an A-1 Agricultural District.
 - b. Thirty thousand square feet in an R-1 Low Density Residential District.
2. Each mobile home shall be permanently attached to a concrete foundation rim of not less than twelve (12) feet by sixty (60) feet by twelve (12) inches wide by means of a minimum of four anchors and tie-downs; or

Each mobile home shall be permanently attached to concrete pillars twelve (12) inches by twelve (12) inches wide, such pillars being located at the four corners of the mobile home, and at the mid-points of the two longest sides by means of a minimum of six anchors and tie-downs.

3. Each mobile home shall be skirted entirely enclosing the bottom section within sixty (60) days after it is placed on the site.

J. **Mobile Home Park.** Mobile home parks are conditionally permitted in the R-MHP Mobile Home Park District provided that they meet the conditions outlined below:

1. **General Provisions.** No one may apply for a Conditional Use Permit for a mobile home park without first obtaining an approval of plans from the Ohio Department of Health.

Any mobile home in a mobile home park must be permanently affixed to the ground. It shall be unlawful to occupy or sleep in any mobile home unless they meet the requirements of this Section. No mobile home placed upon a mobile home park lot shall front upon a state highway, county or township road.

7. **Filing Procedure.** The applicant must file with the Zoning Enforcement Officer a site development plan and shall specify the pertinent information as required in this Section. The site development plan shall contain the following text and map information:

- a. Proposed location, site, size, total number of mobile home sites.
- b. Proposed vehicular and pedestrian circulation and parking areas, showing evidence of reasonableness.
- c. Proposed size, location and use of non-residential portions of the tract, including parklands, and usable open spaces.
- d. Proposed provisions for fire protection, water supply, sanitary sewer, and surface drainage facilities, including engineering feasibility studies or other evidence of reasonableness.
- e. Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the land.

3. Specific Minimum Design Standards.

a. Minimum Site Size.

- (1) Every mobile home park shall be placed on not less than five (5) acres of land; and
- (2) Minimum Initial Improvement. Before a mobile home park may be occupied, it shall be a condition that at least forty (40) percent of the mobile home park lots be completed and ready for occupancy, which completion shall include installation of roadway, sidewalks, lighting, public utilities, service and management buildings.

b. Minimum Lot Size and Maximum Lot Coverage.

- (1) Every mobile home shall be on a lot having an area of not less than four thousand (4,000) square feet; and every mobile home trailer park shall contain a density of no more than eight (8) mobile homes per "gross" acre.
- (2) Each mobile home dwelling, including accessory buildings, garages and porches, shall not cover more than fifty (50) percent of each mobile home park lot.

c. Dwelling Standard. Every mobile home dwelling shall have a total ground floor area of not less than six hundred (600) square feet, measured from the outside of exterior walls, including utility rooms, but excluding open porches, breezeways, and garages.

d. Concrete Stand, Anchors and Skirts. Each mobile home shall be permanently attached to a concrete foundation not less than twelve (12) feet wide by sixty (60) feet long by means of a minimum of four (4) anchors and tie-downs.

e. Each mobile home shall be skirted with rigid material than entirely encloses the bottom section within sixty (60) days after it is placed on the site.

f. Streets, Sidewalks and Parking. Every mobile home park shall provide a main entrance driveway not less than thirty-six (36) feet in width. All interior streets shall have a minimum right-of-way width of not less than twenty (20) feet. All drives shall be protected at the edges by curb-and-gutter, or other suitable edging where necessary for the stabilization of the pavement, and for adequate drainage. All mobile homes shall abut upon a paved interior street which shall not be a public right-of-way. All streets within a mobile home park shall be lighted at night.

Within the boundary of each mobile home site there shall be two (2) suitable paved parking spaces not closer than three (3) feet to the mobile home, nor closer than ten (10) feet from an adjoining mobile home.

- g. Communal Facilities. In all mobile home parks, the following facilities shall be provided and available to residents:
- (1) Management and maintenance offices including storage facilities for grounds-keeping equipment.
 - (2) A safe usable recreation area or areas conveniently located in each mobile home park and shall not be less in area or areas than ten (10) percent of the gross area of the mobile home park or one-half (1/2) acre, whichever is greater
- h. Required Utilities.
- (1) Drinking Water. Water system inspected and approved by the Ohio Department of Health, providing adequate pressure with appropriate water connections for domestic usage.
 - (2) Fire Protection. Fire extinguishers shall be provided as specified in the regulations of the Ohio Department of Health.
 - (3) Sanitary Sewer. Disposal system, inspected and approved by the Ohio Department of Health, with appropriate sewage connections for mobile home usage. Connection between storm water drainage systems and sewage disposal systems shall not be permitted.
 - (4) Storm Drainage. Adequate for each lot connected to the main storm water drainage system.
 - (5) Garbage and Refuse Storage. The storage and collection of garbage and refuse within each mobile home park shall be conducted so as to create no health hazards, rodent harborage, insect breeding areas, fire hazards, or air pollution. All garbage shall be stored in fly-tight, rodent-proof containers. These containers shall be located no more than two hundred (200) feet from each lot as approved by the Hardin County Health Department.
 - (6) Liquefied Petroleum Gas or Fuel. When liquefied petroleum gas is used, the containers for such gas shall be the liquefied petroleum gas container approved by the Interstate Commerce Commission for its intended purpose and shall be integrally attached to the mobile home in a manner as approved by the Liquefied Petroleum Gas Association or other appropriate authority including the Ohio Department of Health and the Hardin County Health Department.
 - (7) Fuel Oil Supply. Fuel oil supply systems shall be installed and maintained in accordance with applicable state and local codes and regulations. All fuel oil storage containers, barrels, tanks or cylinders and piping to the mobile homes shall be securely fastened in place and protected against physical damage.
 - (8) Electricity. At least one (1) electrical connection shall be provided for each mobile home dwelling.
 - (9) Natural Gas System. Natural gas piping systems shall be installed underground in accordance

with applicable codes and regulations and public utility standards. Each mobile home lot provided with piped gas shall have an approved manual shutoff valve installed upstream of the gas outlet. The outlet shall be equipped with an approved cap to prevent accidental discharge of gas when the outlet is not in use.

(10) Underground Utilities. With each mobile home park, all utility lines, including those for electricity and telephone service shall be located underground.

- i. Peripheral Buffer. All mobile home park sites shall provide a twenty (20) foot wide planting strip, planted with mature trees and shrubs that will be mature within a five-year time period, to provide a dense screen at all times, which extends the length of the common lot line with adjacent properties.

5. Conditions of Approval. The basis for approving a Planned Mobile Home Park District application shall be:

- a. That the proposed development is consistent in all respects with the purpose, intent, and applicable standards of this Zoning Resolution.
- b. That the proposed development meets all the minimum requirements specified in sub-section 3 of this Section.
- c. That the proposed development is in conformity with the Hardin County Land Use Plan (text and map).
- d. That the proposed development advances the general welfare of Dudley Township.
- e. That the design character and improved site arrangement justify the location and size proposed in the development.
- f. That the utilities to serve the proposed development have received Ohio Department of Health approval.

The approval shall be for a period of one (1) year to allow construction to be substantially started in accordance with the site development plan with evidence that construction will be completed within a reasonable length of time. Unless construction, as described, is initiated within the one (1) year time limit the approval shall be voided and all the land shall revert to the last previous zoning district, except if an application for a time extension is submitted and approved by the Township Zoning Commission.

The Township Zoning Commission, upon making an affirmative finding with regard to the above criteria, may authorize the Zoning Enforcement Officer to issue a Zoning Certificate to the applicant. The Zoning Enforcement Officer must subsequently determine that all the required improvements have been installed prior to permitting the mobile home park to be occupied.

K. Multiple-Family Residential. Multiple-family residential developments are conditionally permitted in the R-2 Medium Density Residential District provided that they meet the conditions outlined below:

1. The site shall contain not less than two (2) acres.

2. The minimum yard requirements shall be as follows:
 - a. Front Yard – Twenty-five (25) feet
 - b. Side Yard - Ten (10) feet
 - c. Rear Yard - Twenty-five (25) feet
 3. No multiple-family dwelling shall exceed three (3) stories, or forty (40) feet in height.
 4. There shall be not less than three thousand (3,000) square feet per dwelling unit.
 5. The site shall have adequate access onto a hard surfaced state highway, county or township road that is regularly maintained and adequate to handle the additional traffic generated by the use. No multiple-family dwelling shall be less than eighty (80) feet from any highway or road, shall have a side yard less than twenty-five (25) feet or shall have a rear yard of less than forty (40) feet.
 6. The site shall be served by central or group sewers and public water, approved by the Ohio Department of Health, adequate to handle the proposed development.
 7. A Development Plan shall be submitted with the application.
 8. Off-street parking shall be provided in accordance with the requirements specified in Chapter 3, Section A.
- L. **Recreation.** Private, non-commercial recreation areas and facilities such as swimming pools, recreation clubs, summer camps, golf courses and country clubs are conditionally permitted in the R-1 Low Density Residential District provided that they meet the conditions outlined below:
1. The site shall contain not less than five (5) acres.
 2. The minimum yard requirements shall be as follows:
 - a. Front Yard - 50 feet except 100 feet when fronting on a state highway
 - b. Side Yard - 40 feet
 - c. Rear Yard - 50 feet
 3. The site shall have adequate access onto a hard surfaced state highway, county or township road that is regularly maintained and adequate to handle the additional traffic generated by the use.
 4. A Development Plan shall be submitted with the application.
 5. A Landscape Plan, including quantities, sizes and varieties of landscaping, shall be submitted with the application.
 6. Parking areas shall be a minimum distance of fifty (50) feet from residential uses.
 7. Outdoor artificial lighting shall be approved by the Board of Appeals.
- M. **Resource and Mineral Extraction.** The purpose and intent of these regulations is to ensure that mineral extraction activities do not adversely affect surrounding properties, and that the land is restored to a useful condition once the minerals have been extracted from the subsurface. Mineral extraction is permitted only in the ME-Resource and Mineral Extraction district, in accordance with the conditions outlined below:

1. The applicant for ME-Resource and Mineral Extraction District must demonstrate that such operations will not be detrimental to the vicinity or surrounding properties.
2. All equipment used in these operations shall be constructed, maintained and operated in such a manner as to eliminate so far as practical, noise, vibration, or dust which would injure or annoy persons living in the vicinity.
3. No mining, quarrying or gravel or sand extraction shall be permitted nearer than fifty (50) feet to the boundary of the property being utilized for such use.
4. In order to insure adequate lateral support, all sand and gravel excavations shall be located at least one hundred (100) feet and backfilled to at least one hundred fifty (150) feet and all quarrying or blasting shall be located at least fifty (50) feet from the right-of-way line of any existing or platted street, road, highway or railway, except that such excavation or quarrying may be permitted within these limits to the point of reducing the ground elevation to the grade of the existing or platted street, road, or highway.
5. All excavations of gravel or sand shall either be made to a water-producing depth, plus five (5) feet or graded and/or backfilled with non-noxious and non-flammable solids to assure:
 - a. That the excavated area will not collect and retain stagnant water, and
 - b. That the graded or backfilled surface will create a gently rolling topography to minimize erosion by wind and rain and substantially conform with the contours of the surrounding area.
6. The banks of all excavations not backfilled shall be sloped to the water line at a grade of not less than two (2) feet horizontal to one (1) foot vertical and such banks shall be sodded or surfaced with at least six (6) inches of suitable soil and seeded with grass. Spoil banks shall be graded to a level suiting the existing terrain and planted with trees, shrubs, legumes, or grasses where revegetation is possible. Where flood water exists, spoil banks shall be high enough to prevent overflow of water in the gravel pits and shall be sloped, graded, and seeded as prescribed herein.
7. Whenever the floor of a quarry is more than five (5) feet below the average grade of the highway, road, street, or land adjacent thereto, the property containing such quarry shall be completely enclosed by a barrier consisting of not less than a six (6) foot mound of earth planted with suitable dense planting or other suitable material sufficient in either case to prevent persons from trespassing thereon or passing through. Such mound shall be located at least twenty-five (25) feet from any street, road, highway, or boundary of the quarry property.
8. All quarrying, blasting, drilling or mining shall be carried out in a manner and on such scale as to minimize dust, noise, and vibrations and to prevent adversely affecting the surrounding properties.
9. When any quarrying has been completed, such excavated area shall either be left as a permanent spring- fed lake if such lake has an average depth of twenty (20) feet or more, or the bottom floor thereof shall be leveled to prevent the collection and stagnation of water and to provide proper drainage without excessive soil erosion, and said floor shall be covered with soil of adequate thickness for the growing of turf or other ground cover. The edge of such excavation shall be further protected by construction of a barrier consisting of not less than a six (6) foot mound of earth planted with a double row of multiflora rose bushes or other equally effective planting.

N. **Sanitary Landfills.** Sanitary landfills are conditionally permitted in the A-1 Agricultural District and the I-1 General Industrial District provided that they meet the conditions outlined below:

1. The applicant must secure both a permit and an operating license from the Ohio Department of Health.
2. The sanitary landfill site shall have adequate access onto a hard surfaced state highway, county or township road that is regularly maintained.
3. The sanitary landfill site shall be a minimum distance of:
 - a. One thousand (1,000) feet from any state highway frontage.
 - b. One thousand (1,000) feet from any residence in an A-1 District.
 - c. One thousand five hundred (1,500) feet from any "R" District.
4. The sanitary landfill site shall be properly screened for vector control so that refuse does not spill over onto adjacent property.

O. **Performance Standards for Nuisance Values.** The following minimum standards shall apply to all uses in the I-1 General Industrial District:

1. **Fire and Explosion Hazards.** All activities, including storage, involving flammable or explosive materials shall include the provision of adequate safety devices against the hazard of fire and explosion, such safety devices being standard in the industry. Burning of waste materials in open fire is prohibited at any point.
2. **Fly ash, dust, fumes, vapors, gases, and other forms of air pollution.** No emission of air pollutants shall be permitted which violate the minimum requirements of the Hardin County Combined General Health District. Dust and other airborne pollutants shall be minimized through the paving, oiling, or landscaping of the lot area around any building.
3. **Glare, Heat and Exterior Light.** Any operation producing intense light or heat, such as high temperature processes like combustion, welding, or otherwise, shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted. No exterior lighting shall be positioned so as to extend light or glare onto adjacent properties or rights-of-way.
4. **Liquid or Solid Wastes.** No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply, interfere with the bacterial processes in sewage treatment, or otherwise cause the emission of dangerous or offensive elements, shall be permitted, except in accord with standards approved by the Ohio Department of Health or such other governmental agency as shall have jurisdiction of such activities.
5. **Noxious Gases.** Processes and operations of permitted uses capable of dispersing gases or toxic particulates into the atmosphere shall be hooded or otherwise suitably enclosed. The emission of such toxic gases or particulate matter shall be from a stack.
7. **Vibrations.** No uses shall be located and no equipment shall be installed in such a way to produce

intense, earth-shaking vibrations which are discernible without instruments at the property lines of the subject premises.

- P. **Fencing**. No fences shall be constructed in excess of six (6) feet in any "R", "C" or "I" District.

CHAPTER 4:

**ADMINISTRATION
AND
ENFORCEMENT**

CHAPTER 4 - ADMINISTRATION AND ENFORCEMENT

Section A General Provisions. The formulation, administration and enforcement of this Zoning Resolution is hereby vested in the following offices of Dudley Township:

1. Township Zoning Commission
2. Zoning Enforcement Officer
3. Board Of Zoning Appeals
4. Board of Township Trustees

Section B Township Zoning Commission.

1. Membership. The Zoning Commission shall be appointed by the Board of Township Trustees and shall consist of five (5) members (none of whom shall be concurrently appointed as member of the Board of Zoning Appeals) who are residents of the unincorporated area of the Township.
2. Powers and Duties. The powers and duties of the Zoning Commission shall be the following:
 - a. Prepare the Zoning Resolution recommended for the unincorporated area of Dudley Township.
 - b. Hold required Public Hearings, notice of which shall be given in accordance with Sections 519.06 and 519.09 of the Ohio Revised Code.
 - c. Submit the proposed Zoning Resolution, including text and Official Zoning District Map, and all proposed zone changes, to Hardin County Regional Planning Commission, and then certify the proposed zoning or rezoning along with their recommendation and the Regional Planning Commission's recommendation, to the Board of Township Trustees (Section 519.07 and 519.12 of the Ohio Revised Code).
 - d. Initiate Official Zoning District Map changes, or changes in the text of the Zoning Resolution where same will promote the best interest of the public in general.
 - e. Function, in addition, as provided by all other applicable sections of the state law, Chapter 519 of the Ohio Revised Code.

Section C Zoning Enforcement Officer. The Board of Township Trustees shall appoint a Township Zoning Enforcement Officer and affix his compensation, if any. It shall be the duty of the Township Zoning Enforcement Officer to:

1. Enforce the provisions of this Resolution.
2. Interpret the Resolution text and Official Zoning District Map.
3. Issue Zoning Certificates in accordance with this Resolution, and maintain a complete record of all Zoning Certificates issued.

4. Act upon all applications within thirty (30) days of their date of filing. A Zoning Certificate or written notification and explanation of refusal shall be issued to the applicant within said thirty (30) days. Failure to notify the applicant of such refusal within this period shall entitle the applicant to submit his request to the Township Board of Zoning Appeals.
5. Determine whether various uses of land within the Township are in compliance with this Resolution. Where violations exist, the Enforcement Officer shall notify in writing the person(s) responsible, specifying the exact nature of the violation, directing the necessary corrective action.
6. Maintain and keep current the permanent records required by this Resolution, including but not limited to the Official Zoning District Map, Zoning Certificates, inspections, and all official zoning actions of the Board of Township Trustees. Such records shall be made available for use by the Board of Township Trustees, Zoning Commission, Board of Zoning Appeals, and the public.
7. Prepare and submit an Annual Report concerning the administration and enforcement of this Resolution to the Board of Township Trustees.

Section D Board of Zoning Appeals.

1. Membership. The Board of Zoning Appeals, hereinafter called the Board, shall be appointed by the Board of Township Trustees and shall consist of five (5) members who are residents of the unincorporated area of the Township.
2. Jurisdiction. The Board shall have the following powers:
 - a. Administrative Appeals. To hear and decide appeals where it is alleged there is error in any interpretation, judgment, decision or determination made by the Zoning Enforcement Officer in the administration and enforcement of the provisions of this Resolution.
 - b. Variances. To authorize upon appeal by reasons of exceptional narrowness, shallowness, shape, topographic conditions, or other extraordinary situation or condition of a lot a variance from strict application of the provisions of this Resolution to relieve exceptional difficulties or undue hardship, provided said relief can be granted without substantial detriment to the public good and does not substantially impair the intent of this Resolution. No variance shall be granted unless the Board finds that all of the following conditions exist:
 - (1) The special circumstances or conditions applying to the building or land in question are peculiar to such lot or property, and do not result from the actions of the applicant and do not apply generally to other land or buildings in the vicinity.
 - (2) The granting of the application is necessary for the preservation and enjoyment of the substantial property right and not merely to serve as a convenience to the applicant.
 - (3) The proposed variance will not constitute a change, including a variation in use, on the Official Zoning District Map. In no case shall the Board of Appeals approve a variance for a use which is not a permitted use in the zoning district in which the property, building or structure is located.

- c. Conditional Uses. The Board of Appeals may hear and decide upon, in accordance with the provisions of this Resolution, applications for a Conditional Use Permit. The purpose of a Conditional Use Permit is to allow a proper integration into the Township of uses which may only be suitable in specific locations within certain zoning district(s) or only if such uses are designed or laid out in a particular manner on the site. A Conditional Use Permit shall be required for all uses listed as conditionally permitted uses in Chapter 2.

In considering an application for a Conditional Use Permit, the Board of Appeals must make an affirmative finding that the proposed Conditional Use is to be located in a district wherein such use may be conditionally permitted, and that all conditions for approval of Conditional Uses have been met. The Board of Appeals shall give due regard to the nature and condition of all adjacent uses and structures and the consistency therewith of the proposed Conditional Use and any potential nuisances.

No public hearing need be held by the Board of Appeals in considering an application for a Conditional Use Permit. A public hearing may be ordered and held by the Board of Appeals when it deems such public hearing to be necessary in the public interest; notice thereof shall be given not less than ten (10) days prior to the date of public hearing, both by posting notice on or near the parcel of land involved at places which will be conspicuous to the neighboring properties and to the public, and by publishing notice in a newspaper of general circulation printed and published in Dudley Township. Notice may also be given by such other means as the granting authority deems appropriate. Failure of any person, other than the applicant, to receive notice of any hearing or public hearing shall in no way affect the validity of action taken.

Section E Board of Township Trustees. The powers and duties of the Board of Township Trustees are the following:

1. Appoint five (5) members to a Township Zoning Commission whose function it is to formulate a Zoning Resolution text and Official Zoning District Map and to initiate or review proposed text amendments or changes of zoning district on the Official Zoning District Map, as specified in Section B.
2. Appoint a Zoning Enforcement Officer to administer and enforce the provisions of this Zoning Resolution, in accordance with the functions enumerated in Section C.
3. Appoint a five-member Board of Zoning Appeals in accordance with the Ohio Revised Code, Section 519.13 to hear administrative appeals, requests for variances and Conditional Use Permits, as specified in Section D.
4. Initiate or act upon suggested amendments to the Zoning Resolution text or Official Zoning District Map following recommendations of the Township Zoning Commission and review by the Hardin County Regional Planning Commission, which procedure is outlined in full in Section F.2.
5. Each written application for a Zoning Certificate, Zoning Amendment, Administrative Appeal, Conditional Use Permit or Variance shall be accompanied by filing fees which are to be determined by resolution of the Board of Township Trustees. These filing fees shall be forwarded to the Township, and shall be utilized to help cover the expenses of the Zoning Enforcement Officer, the Planning Commission, and the Board of Appeals.

Section F Administrative Procedures.

1. Zoning Certificates.

- a. Requirements. No person shall locate, erect, construct, reconstruct, enlarge or structurally alter any non-farm building or structure within Dudley Township without obtaining a Zoning Certificate. NO ZONING CERTIFICATE IS REQUIRED FOR ALTERATION OF A SINGLE, SINGLE-FAMILY PRE-EXISTING RESIDENCE WHEN ALL OTHER REQUIREMENTS ARE MET OF THIS TEXT. NO ZONING CERTIFICATE SHALL BE REQUIRED TO REPLACE ANY RESIDENCE OR BUILDING THAT IS DESTROYED BY FIRE OR ACT OF GOD PROVIDING SET BACK IS EQUAL TO OR GREATER THAN THE ORIGINAL BUILDING. No Zoning Certificate shall be issued unless the plans for the proposed building or structure fully comply with all the provisions of this Resolution.
- b. Provision of Utility Services. No public utility company or supplier of electrical service shall supply initial utility services (gas, electricity, water, sewer) to any building or mobile home located within the confines of Dudley Township until such time as a Zoning Certificate is presented to such public utility or electrical service company which indicates that the building to be serviced has been officially approved by the Zoning Enforcement Officer.
- c. Application. Application for a Zoning Certificate shall be made in writing to the Board of Township Trustees, or their authorized agent. Each written application shall include the following:
 - (1) Two (2) copies of a scale drawing showing the actual shape and dimensions of the lot to be built upon, or to be changed in its use, in whole or in part;
 - (2) The location of the lot, existing zoning and land use, including the immediately surrounding area;
 - (3) The location, size and height of any building or structure to be erected or altered;
 - (4) The existing or intended use of each building, structure or use of land where no buildings are included; and
 - (5) The number of families or dwelling units each building is designed to accommodate, if applicable.
- d. Agricultural Buildings. Zoning Certificates shall not be required for agricultural buildings, such as barns, silos, and outbuildings.
- e. Utility Buildings. Zoning Certificates shall be required for all utility buildings accessory to a dwelling in any "R" District.
- f. Time Limit. If a Zoning Certificate is issued for the purpose of constructing a new building or structure and such construction is not begun within a six (6) month time period, then said Zoning Certificate shall be null and void.

2. Text Amendments and Changes of Zoning District. All amendments to the Zoning Resolution or changes of zoning districts on the Official Zoning District Map shall be made in accordance with the provisions specified in the Ohio Revised Code, Sections 519.02 through 519.21, inclusive.

The Township Zoning Commission and Board of Township Trustees shall favorably consider an application for a text amendment, whether to the zoning resolution text or to the Official Zoning District Map, only if the request for a change of zoning meets the following conditions:

- a. Manifest error in the original Zoning Resolution text and/or designations on the Official Zoning District Map.
- b. Accordance with, or more appropriate conformance to, the Hardin County Official Land Use Plan.
- c. Substantial change in area conditions.
- d. Legitimate requirement for additional land area for the particular zoning district.

Where the Zoning District Map is amended, the Township Zoning Commission and the Board of Township Trustees shall not approve any petition which results in a total landholding (excluding the area in roads and highways) containing less acreage than the minimums specified for each zoning district in Chapter 1, Section F.

3. Non-Conformities: Buildings, Uses and Lots.

a. Intent. Within the Zoning Districts established by this Resolution or amendments that may later be adopted, there exists:

- (1) Buildings and structures
- (2) Uses of land and structures
- (3) Lots of record

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 amendment. It is the intent of this Resolution to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Resolution that non-conformities 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.

b. Non-Conforming Buildings and Structures.

- (1) A non-conforming use of a building or structure lawfully existing upon the effective date of this Resolution may be maintained and may be repaired or altered.
- (2) A structure non-conforming as to use, height, yard requirements or lot area per dwelling unit may be added to or enlarged provided that no enlargement shall exceed fifty (50) percent of the total floor area contained in said building or structure at the time of enactment of this Resolution.

c. Non-Conforming Lots of Record. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record which was in existence prior to the effective date of this Resolution, notwithstanding limitations imposed by other provisions of this Resolution. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, generally applicable in the district, provided that the yard requirements for area or width, or both, generally applicable in the district, provided that the yard requirements and provisions of the district shall apply. Variance of yard requirements shall be obtained only through action of the Board of Appeals.

Section G Enforcement Procedures.

1. Enforcement. This Resolution shall be enforced by the Board of Township Trustees, and such Zoning Enforcement Officer as may be designated by said Board.
2. Revocation of Zoning Certificate. Any Zoning Certificate issued upon a false statement shall be void. Whenever the face of such false statement shall be established to the satisfaction of the Board of Township Trustees, the Zoning Certificate shall be revoked by notice in writing to be delivered to the holder of the void Certificate upon the premises concerned, or in some conspicuous place upon the said premises. Any person who shall proceed thereafter with such work or use without having obtained a new Zoning Certificate, in accordance with this Resolution, shall be deemed guilty of violation thereof.
3. Invalidity of a Part. If any article, section, subsection paragraph, sentence or phrase of this Resolution is for any reason held to be invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution.
4. Repeal of Existing Resolutions. All resolutions or part of resolutions inconsistent with or in conflict with this Zoning Resolution, and all additions and amendments thereto are hereby repealed by the adoption of this Resolution.
5. Violation. In case any building 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, the Board of Township Trustees, the County Prosecuting Attorney, the Zoning Enforcement Officer, or any neighboring property owner who would be damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.
6. Fine. Any person, firm or corporation violating any provision of the Resolution shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than one hundred dollars (\$100.00). Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues may be deemed a separate offense.

CHAPTER 5:
GLOSSARY OF DEFINITIONS

CHAPTER 5 - GLOSSARY OF DEFINITIONS

Unless otherwise specified, all distances shall be measured horizontally, in any direction. The following terms, unless a contrary meaning is required by the context or is specifically prescribed, shall have the following meanings:

Accessory Use of Structure: A use or structure subordinate to the principal use of a building or use on the same lot and serving a purpose customarily incidental to the use of the principal building or use.

Adult-Oriented Business: An establishment having as its primary stock and trade material that is distinguished or characterized by its emphasis on sexually oriented material that is harmful to juveniles or obscene.

Agriculture: The use of land, buildings or structures for nurseries, greenhouses, farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry.

Alterations, Structural: Any change in the supporting members of a building, such as walls, floors, columns, beams, or girders.

Billboard: Any structure or portion thereof on which lettered, figured, or pictorial matter is displayed for advertising purposes of goods or services not offered on the premises, and other than those signs specifically mentioned.

Board of Appeals: Board of Zoning Appeals of Dudley Township.

Board of Township Trustees: Board of Township Trustees of Dudley Township.

Building: Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, or property.

Building Height: The vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the ridge for gable, hip or gambrel roofs.

Building Line: The line nearest the front and across a lot establishing the minimum open space to be provided between the front line of the building foundation and the front lot line. The front line of the foundations of enclosed porches or vestibules if nearer the front line than the main foundations.

Business: An occupation, enterprise, undertaking or employment which engages in the purchase, sale, barter or exchange of goods, wares, merchandise or services, or where there is the maintenance or operation of an office or offices for the exhibition, sale, or offering of merchandise or services.

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.

Conditional Use Permit: A permit issued by the Zoning Enforcement Officer upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.

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.

Coverage: The percentage of the lot area which is covered by any building or part thereof.

Drainageway: A water course, gully, dry stream, creek, or ditch which carries storm water runoff, which is subject to flooding or ponding, which is fed by street or building gutters or by storm water sewers, or which serves the purpose of draining water from the lands adjacent to such water course, gully, dry stream, creek, or ditch.

Dwelling: Any building or portion thereof designed or used as the residence of one or more persons, but not including a tent, cabin, travel trailer, tree house, or a room in a hotel or motel.

Dwelling, Single-Family: A building designed for or used for residence purposes by one family or housekeeping unit.

Dwelling, Two-Family: A building designed for or used by two families or housekeeping units.

Dwelling, Multiple-Family: A building or portion thereof designed for or used by three or more families or housekeeping units living independent of one another.

Dwelling, Detached: A building having no party wall in common with another building.

Dwelling, Attached: A building having one party wall common with an adjacent building.

Dwelling, Row: A building having a party wall on each side in common with an adjoining building unless it is situated as the outermost building; in the latter case, it will have a party wall on one side only.

Dwelling Unit: One room or a suite or two or more rooms designed for or used by one family for living and sleeping purposes and having only one kitchen or kitchenette.

Establishment: A building or structure used for commercial or industrial purposes including stores, shops, plants, factories, warehouses, wholesale houses and the like.

Family: A person living alone, or two or more persons living together as a single housekeeping unit in a dwelling unit as distinguished from a group occupying a boarding house, lodging house, dormitory, motel or hotel.

Farm: Acreage which is devoted to agricultural activities (see "Agriculture") which usually contains a farmhouse dwelling and agricultural buildings.

Farm House: A dwelling located on acreage primarily devoted to agriculture and occupied by a farm family.

Farm Vacation Enterprises (Profit or Non-Profit): Farms adapted for use as vacation farms, picnicking and sports areas, fishing waters, camping, scenery, and nature recreation areas; hunting areas; hunting preserves and watershed projects.

Filling Station: Any building used for the supply of gasoline, oil or other fuel for motor vehicle propulsion, which can include space and facilities for washing, polishing, greasing and servicing motor vehicles.

Flag Lot: Lot is a remote lot located a minimum of 500 feet from the road and shall meet all other requirements of zoning and shall have the minimum continuous road frontage required the full depth of the lot to the building site and shall conform to the requirements of the Hardin County Board of Health.

Flood Plain: The areas adjoining any river, creek or stream whose surface elevation is lower than the high-water elevation of the regional flood.

Floor Area of a Residential Building: The sum of the gross horizontal area of the several floors of a residential building, excluding basement floor areas not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between interior faces of walls.

Floor Area of a Non-Residential Building (To Be Used in Calculating Off-Street Parking Requirements): The floor area of a specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, and fitting rooms, and similar areas.

Garage, Private: A detached accessory building or a portion of the principal building used only for the storage of vehicles and incidental personal property.

Garage, Public: A building or portion thereof, other than a private garage or filling station, used for equipping, servicing, repairing, hiring, selling or storing vehicles, or similar equipment.

Garden Apartment: 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.

Health Department: The Ohio Department of Health and the Hardin County Health Department.

Home Occupation: An occupation conducted in a dwelling unit, provided that: No person other than members of the family residing on the premises shall be engaged in such occupation; The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation; There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding one square foot in area, non-illuminated, and mounted flat against the wall of the principal building; No home occupation shall be conducted in any accessory building; No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard; No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

1. Home Occupations are permitted in A1, R1, and R2 districts and require a permit.
2. Home Occupations are permitted in two classes:
 - a. #1 – In Home permitted in A1, R1, and R2 districts.
 - b. #2 – Home Accessory Building permitted in A1.
3. Home Occupations - #1 In Home must meet requirements as specified in 5-4.

4. Home Occupations - #2 Accessory Building Home Occupations are permitted in A1 districts to accommodate agriculture related repair shops and other home related shops. A maximum of three (3) non-resident persons may be engaged in such occupation.

Hotel: A building occupied primarily as the temporary abiding place of individuals who are lodged with or without meals, and in which there are more than twelve (12) sleeping rooms or apartments.

Junk Yard: A place where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a complete enclosed building, and not including pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition, or salvaged materials incidental to manufacturing operations. An automobile wrecking yard is any place where two (2) or more motor vehicles unlicensed and/or not in running condition, or parts thereof, are stored in the open and are not restored to operation, or any land, building, or structure used for wrecking or storing of such motor vehicles, or parts thereof, and including any used farm vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating condition, and including trailers, or parts thereof, stored in the open.

Land Use Plan: A plan, or any portion thereof, adopted by the Hardin County Regional Planning Commission and the Hardin County Board of County Commissioners showing the general location and extent of present and proposed land use and transportation facilities including housing, industrial and commercial uses, highways and roads, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of Hardin County.

Loading Space: A space within the same zoning lot with providing space for the standing, loading, or unloading of trucks.

Lot: A parcel of land defined by metes and bounds or boundary lines in a recorded deed or on a recorded plat, fronting on a legally dedicated public thoroughfare.

Lot Area: The computed area contained within the lot lines.

Lot, Corner: A lot at the juncture of and fronting on two or more intersecting streets.

Lot Depth: The mean horizontal distance between the front and the rear lot lines.

Lot Lines: The property lines bounding the lot.

Lot Line, Front: The line separating the lot from a street.

Lot Line, Rear: The lot line opposite and most distant from the front lot line.

Lot Line, Side: Any lot other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

Lot Width: The width of the lot measured at the building setback line.

Mobile Home: Any vehicle or mobile structure more than thirty (30) feet long, on wheels, skids, rollers, or blocks, designed to be pulled, pushed, or carried by a motor vehicle on a highway, and designed for living as a one-family dwelling, complete and ready for occupancy as such except for minor and incidental packing and assembly operations, location on permanent foundations, connections to utilities, and the like.

Mobile Home Park: An area of land divided into three (3) or more lots with foundations laid out to provide sites for trailers permanently affixed to the land for a period of time exceeding sixty (60) days. The land area shall include any building or structure, fixture, or equipment that is used or intended to be used in connection with providing that accommodation, including provision for sewer, water, electric, and any other similar facilities required to permit occupancy of such mobile homes parked thereon.

Modular Housing: An assembly of materials or products comprising all or part of a total residential 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.

Motel or Tourist Court: A building, or group of buildings, comprising individual sleeping or living units for the accommodation of transient guests, not containing individual cooking or kitchen facilities.

Nonconformities: A legally existing use, structure, or land which fails to comply with the standards set forth in this Resolution applicable to the district in which it is located.

Parking Space: The area required for parking one (1) automobile, which in this Resolution is held to be an area not less than eight (8) feet wide and eighteen (18) feet long, either within a structure or in the open, exclusive of driveways or access drives.

Permanently Sited Manufactured Home: Any vehicle or mobile structure more than thirty (30) feet long, on wheels, skids, rollers, or blocks, designed to be pulled, pushed, or carried by a motor vehicle on a highway, and designed for living as a one-family dwelling, complete and ready for occupancy as such except for minor and incidental packing and assembly operations, location on permanent foundations, connections to utilities, and the like.

Person: A corporation, firm, partnership, association, organization or any other group acting as a unit, as well as a natural person.

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.

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.

Regional Planning Commission: The Hardin County Regional Planning Commission.

Resource and Mineral Extraction: Any mining, quarrying, excavating, processing, storing, separating, cleaning, or marketing of any mineral natural resource.

Setback: The point of reference of any setback in Dudley Township shall be considered from the center of the road.

Setback Line: The closest point at which a building may be constructed in relation to the lot line.

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 the Hardin County Health Department and the Ohio Department of Health.

Sign, Business: A sign which directs attention to a business, profession, commodity or entertainment conducted, sold, or offered upon the same lot.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; also any portion of a building used for human occupancy between the topmost floor and the roof. A basement shall not be counted as a story unless more than one-half (1/2) of the basement is above grade level at the front of the building.

Structure: Anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

Township: Dudley Township, Hardin County, Ohio.

Township Zoning Commission: Zoning Commission of Dudley Township.

Travel Trailer: Any vehicle or mobile structure designed for highway travel less than thirty (30) feet long on wheels, skids, rollers, or blocks designed to be pulled, pushed, or carried by motor vehicle, and any house car, camp car, "piggy-back" camper, or self-propelled motor vehicle which is designed for sleeping or commercial purposes, and which is complete and ready for occupancy as such except for minor and incidental unpacking and assembly operations, location on jacks, connections to utilities, and the like.

Use: The employment or occupation of a building, structure or land for a person's service, benefit or enjoyment.

Variance: A variation from a strict interpretation of the terms of this Resolution, owing to peculiar conditions or circumstances which apply only to the property in question, and no other. As used in this Resolution, a variance is authorized only for height, area, yard, or setback requirements.

Yard: A space on the same lot with a main building, open, unoccupied and unobstructed by buildings or structures from the ground to the sky, except as otherwise provided in this Resolution.

Yard, Front: A yard extending across the full width of the lot, the depth of which shall be the least distance between the front lot line and the front of the main building.

Yard, Rear: A yard extending the full width of the lot between the rearmost main building and the rear lot line, the depth of which shall be the least distance between the rear lot line and the rear of such main building. Where a lot abuts upon an alley, one-half (1/2) the alley width may be considered as part of the required rear yard.

Yard, Side: A yard between the main building and the side lot line, extending from the front yard or front lot line where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally and perpendicularly from the nearest point of the side lot line toward the nearest part of the main building.

Zoning Certificate: The document issued by the Zoning Enforcement Officer authorizing buildings, structures or uses consistent with the terms of this Zoning Resolution and for the purpose of carrying out and enforcing its provisions.

Zoning District: A portion of the incorporated area of Dudley Township for which certain uniform regulations governing the use, height, area, and intensity of use by buildings and land and open spaces about buildings are herein established.

Zoning Enforcement Officer: The Zoning Enforcement Officer who is appointed by the Board of Township Trustees to administer and enforce the township Zoning Resolution and to issue Zoning Certificates.

Zoning Lot: A single tract of land which (at the time of the filing for a Zoning Certificate) is designated by its owner or developer as a tract to be used, developed or built upon as a unit under single ownership or control. Therefore, a "Zoning Lot" may or may not coincide with a lot of record. The Zoning Lot shall have the required minimum continuous frontage on a legally dedicated public thoroughfare of adequate width the full depth of the lot.

Zoning Resolution: The term Zoning Resolution shall apply to Zoning Resolution No. _____, passed _____.

**DUDLEY TOWNSHIP
AMENDMENTS TO ZONING TEXT
Adopted May 14, 2002**

The following are the proposed changes to the township zoning text and are referenced to the sections that relate to the described areas of the text.

Chapter 1:

Section G – Miscellaneous Provisions

1. **Frontage required.** All lots created after adoption of these addendums to this resolution shall have continuous frontage on a legally dedicated public thoroughfare the full depth of the lot.
2. All references to frontage in the Dudley Township Zoning Regulations shall read continuous frontage.
3. **Hardship conditional use:**
 - a) Hardship for this purpose is the need for close personal care with the primary care giver in a separate dwelling.
 - b) The Board of Zoning Appeals shall determine the existence of the hardship based on the applicant's explanation of the hardship as stated on the "Application for Conditional Permit".
 - c) Application shall list: Identity of hardship, name of persons requiring personal care, name of primary caregiver, name of property's owner, signature of the patient caregiver and the property's owner and a second source confirmation from a professional representative.
 - d) The separate dwelling must be located at least thirty (30) feet from the existing dwelling.
 - e) Mobile homes must be removed within ninety (90) days after the hardship care terminates.
 - f) Written approval from the Hardin County Board of Health must be obtained prior to construction.
3. **Remote Residential Flag Lots:**

The minimum road frontage shall extend the entire depth of the lot back to the building site.
4. **Pond and Pool Regulations**

When constructing ponds must be a minimum distance of forty (40) feet from any property line and eighty (80) feet from the center of the road. An application for a permit must be obtained and approved prior to construction.

Chapter 3, Supplementary Regulations:

Adult Oriented Business. Adult oriented businesses are not permitted in Dudley Township.

Chapter 3, Supplementary Regulations - Page 5: (Inserted after E4)

Home Occupation:

1. Home Occupations are permitted in A1, R1, and R2 districts and require a permit.
2. Home Occupations are permitted in two classes:
 - a) #1 – In Home permitted in A1, R1, and R2 districts.
 - b) #2 – Home Accessory Building permitted in A1.
3. Home Occupations - #1 In Home must meet requirements as specified in 5-4.
4. Home Occupations - #2 Accessory Building Home Occupations are permitted in A1 districts to accommodate agriculture related repair shops and other home related shops. A maximum of three (3) non-resident persons may be engaged in such occupation.

5. One non-illuminated sign, not exceeding nine (9) square feet is permitted. Sign may be free standing and conform to sign provision 3-2, C-2.
6. Any need for parking generated by the conduct of such occupation shall be met off the street and other than in a required front yard. No equipment or process shall be used in such occupation that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes functions in line voltage off the premises.

Chapter 5: Definitions

Adult-Oriented Business: An establishment having as its primary stock and trade material that is distinguished or characterized by its emphasis on sexually oriented material that is harmful to juveniles or obscene.

Flag Lot: Lot is a remote lot located a minimum of 500 feet from the road and shall meet all other requirements of zoning and shall have the minimum continuous road frontage required the full depth of the lot to the building site and shall conform to the requirements of the Hardin County Board of Health.

Lot: A parcel of land defined by metes and bounds or boundary lines in a recorded deed or on a recorded plat, fronting on a legally dedicated public thoroughfare. In determining lot area, no part thereof within the limits of the proposed thoroughfare right-of-way shall be included.

Permanently Sited Manufactured Home (Replaces Mobile Homes): Any vehicle or mobile structure more than thirty (30) feet long, on wheels, skids, rollers, or blocks, designed to be pulled, pushed, or carried by a motor vehicle on a highway, and designed for living as a one-family dwelling, complete and ready for occupancy as such except for minor and incidental packing and assembly operations, location on permanent foundations, connections to utilities, and the like.

Zoning Lot: A single tract of land which (at the time of the filing for a Zoning Certificate) is designed by its owner or developer as a tract of land to be used, developed or built upon as a unit under single ownership or control. Therefore, a Zoning Lot may or may not coincide with a lot of record. The Zoning Lot shall have the required minimum continuous frontage on a legally dedicated public thoroughfare of adequate width the full depth of the lot.

Setback: The point of reference of any setback in Dudley Township shall be considered from the center of the road.

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