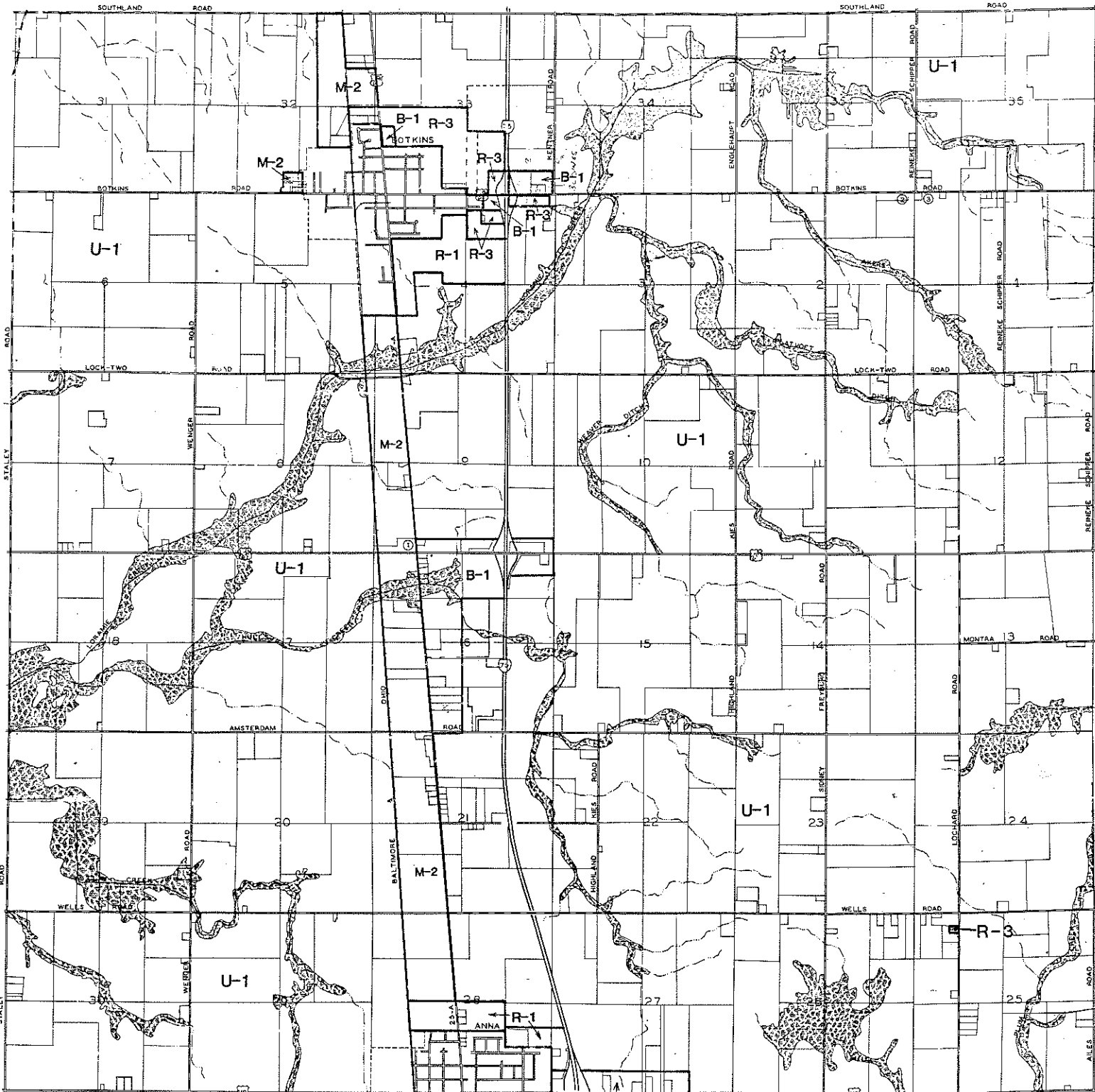


#6

DINSMORE TOWNSHIP

AUGLAIZE COUNTY



OFFICIAL ZONING MAP  
LEGEND

- U-1 RURAL DISTRICT
- R-1 LOW DENSITY RESIDENTIAL DISTRICT
- R-3 HIGH DENSITY RESIDENTIAL DISTRICT
- B-1 SERVICE BUSINESS DISTRICT
- M-2 HEAVY MANUFACTURING DISTRICT

RECEIVED AND FILED  
AT 3:38 O'CLOCK P.M.

JAN 13 1992

JANET M. BECKER  
RECORDER, SHELBY COUNTY, O.

Lincoln Wisel

William Casey

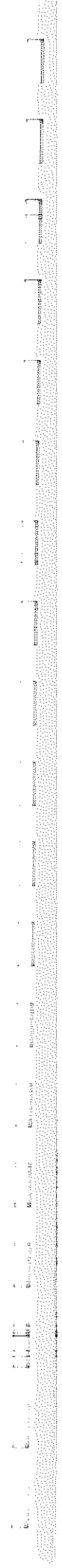
Robert Stewart

Joyce D. Meyer

ATTEST *Dinsmore Township Clerk*  
1-1-92

*I, Joyce D. Meyer, hereby verify that the above signatures are those of the Dinsmore Township Trustees, Shelby County, Ohio.*

SEAL



PREAMBLE

A RESOLUTION OF THE TOWNSHIP OF DINSMORE, SHELBY COUNTY, OHIO, ENACTED IN ACCORDANCE WITH A COMPREHENSIVE PLAN AND THE PROVISIONS OF CHAPTER 519, OHIO REVISED CODE, DIVIDING THE TOWNSHIP INTO ZONES AND DISTRICTS, ENCOURAGING, REGULATING, AND RESTRICTING THEREIN THE LOCATION, CONSTRUCTION, RECONSTRUCTION, ALTERATION AND USE OF STRUCTURES AND LAND: PROMOTING THE ORDERLY DEVELOPMENT OF RESIDENTIAL, BUSINESS, INDUSTRIAL, RECREATIONAL, AND PUBLIC AREAS: PROVIDING FOR ADEQUATE LIGHT, AIR, AND CONVENIENCE OF ACCESS TO PROPERTY BY REGULATING THE USE OF LAND AND BUILDINGS AND THE BULK OF STRUCTURES IN RELATIONSHIP TO SURROUNDING PROPERTIES: LIMITING CONGESTION IN THE PUBLIC RIGHTS-OF WAY: PROVIDING THE COMPATIBILITY OF DIFFERENT LAND USES AND THE MOST APPROPRIATE USE OF LAND: PROVIDING FOR THE ADMINISTRATION OF THIS RESOLUTION AS PROVIDED HEREAFTER, AND PRESCRIBING PENALTIES FOR THE VIOLATION OF THE PROVISIONS IN THIS RESOLUTION OR ANY AMENDMENT THERETO. ALL FOR THE PURPOSE OF PROTECTING THE PUBLIC HEALTH, SAFETY, COMFORT AND GENERAL WELFARE: AND FOR THE REPEAL THEREOF.

THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWNSHIP OF DINSMORE, SHELBY COUNTY, OHIO.

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### ATTACHMENTS

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Schedule of Districts  
Official Zoning Map

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Lot Terms  
Basement & Story - Flood Plain Terms  
Types of Lots  
Roof Types and Building Height  
Off Street Parking  
Classification of the Thoroughfare System





# ARTICLE I

## TITLE, INTERPRETATION, AND ENACTMENT

### SECTION 100 TITLE

This Resolution shall be known and may be cited to as the "Zoning Resolution of the Township of Dinsmore, Shelby County, Ohio."

### SECTION 101 USE OF LAND OR BUILDINGS FOR AGRICULTURAL PURPOSES NOT AFFECTED

The use of land or buildings for agricultural purposes are not affected by this Resolution and no zoning certificate shall be required for any such building or structure or use of land. Residential dwellings do require a permit however.

### SECTION 110 PROVISIONS OF RESOLUTION DECLARED TO BE THE MINIMUM REQUIREMENTS

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

### SECTION 120 SEPARABILITY CLAUSE

Should any section or provision of this Resolution be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Resolution as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

### SECTION 130 EFFECTIVE DATE

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

## ARTICLE II DEFINITIONS

### INTERPRETATION OF TERMS OR WORDS

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

1. The 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 word "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

"Agriculture" shall include farming, dairying, pasturage, horticulture, viticulture, animal and poultry husbandry and the raising and/or sales of agricultural products.

### ANIMAL FEED LOT

Means a paved animal feeding or holding area or other lot, pen, yard, or other feeding or holding area where grass or other suitable vegetative cover is not maintained.

### AUTOMOTIVE REPAIR

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

### ALLEY

See Thoroughfare

## ALTERNATIONS, STRUCTURAL

Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

## BASEMENT

A story all or partly underground but having at least one-half of its height below the average level of the adjoining ground.

## BUILDING

Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

## BUILDING, ACCESSORY

A subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.

## BUILDING, HEIGHT

The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

## BUILDING LINE

See setback line

## BUILDING, PRINCIPAL

A building in which is conducted the main or principal use of the lot on which said building is situated.

## BUSINESS, CONVENIENCE-TYPE RETAIL

Retail businesses whose market area is the neighborhood or part of the community, which provides convenience-type goods and personal services for the daily needs of the people within the residential area. Uses include, but need not be limited, to, drugstores, beauty salons, barber shops, carry-outs, dry cleaning and laundry facilities, supermarkets, etc.

## **BUSINESS, DRIVE-IN**

Any business, structure or premise which is designed primarily to serve occupants of motor vehicles without the occupants having to leave the vehicle.

## **BUSINESS, SERVICE**

Any profit making activity which renders primarily services to the public or to other commercial or industrial enterprises. Some retail sales may be involved in connection with the service rendered.

## **BUSINESS, SHOPPING-TYPE RETAIL**

A retail or service business which supplies a wide variety of comparison goods and services to consumers in a market area that includes the community or an area greater than a community. Examples of shopping-type businesses are furniture stores, automobile sales and service and clothing shops.

## **CHANNEL**

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

## **CLINIC**

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

## **CLUB**

A building or portion thereof or premises owned or operated by a person for a social, literary, political, educational, fraternal or recreational purpose primarily for the exclusive use of members and their guests.

## **COMPREHENSIVE DEVELOPMENT PLAN**

A plan, or any portion thereof, adopted by the Regional Planning Commission and the Board of County Commissioners showing the general location and extent of present and proposed physical facilities including housing, industrial, and commercial uses, major thoroughfares, parks, schools, and other community facilities. This plan established the general goals, objectives, and policies of the Region.

## **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 uses permitted in each district are listed in the Official Schedule of District Regulations.

## CONDITIONAL USE PERMIT

A permit issued by the Zoning Inspector upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.

## CORNER LOT

See Lot Types

## CUL-DE-SAC

See Thoroughfare

## 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.

## DWELLING

Any building or structure (except a houstrailer or mobile home as defined hereafter) 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 single dwelling unit only, separated from other dwelling units by open space.

## DWELLING, MULTI-FAMILY

A dwelling consisting of two or more dwelling units including condominiums with varying arrangements of entrances and party walls.

## DWELLING, MODULAR UNIT

A factory-fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site into a modular structure. The term is intended to apply to major assemblies and does not include pre-fabricated panels, trusses, plumbing trees, and other prefabricated sub-elements which are to be incorporated into a structure at the site.

## DWELLING, SECTIONAL UNIT

A dwelling made of two or more modular units transported to the home site, put on a foundation, and joined to make a single dwelling.

## DWELLING, MOBILE HOME

A modular unit built on a chassis, with body width exceeding 8 feet or body length exceeding 32 feet, designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities.

Double-wide or Triple-wide: A mobile home consisting respectively of two or three sections combined horizontally at the site to form a single dwelling, while still retaining their individual chassis for possible future movement.

Expandable Mobile Home: A mobile home with one or more room sections that fold, collapse, or telescope into the principal unit when being transported and which can be expanded at the site to provide additional living area.

## DWELLING, ROOMING HOUSE (BOARDING HOUSE, LODGING HOUSE, DORMITORY)

A dwelling or part thereof, other than a hotel, motel or restaurant where meals and/or lodging are provided for compensation, for three or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.

## EASEMENT

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

## ESSENTIAL SERVICES

The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground gas, electrical, water transmission, or distribution systems, collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, or other similar equipment and accessories in connection therewith which are reasonable 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.

## FAMILY

One or more related persons occupying a single dwelling unit.

## 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 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 and attached garages, 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 PARKING REQUIREMENTS).

The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms.

## FLOOR AREA, USABLE

Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

## FOOD PROCESSING

The preparation, storage, or processing of food products. Examples of these activities include bakeries, dairies, canneries, meat processing plants and similar activities.

## FORESTRY

The propagation and harvesting of forest trees.

## GASOLINE SERVICE STATION

Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail.

## HOME OCCUPATION

An occupation conducted in a dwelling unit, provided that: No more than one 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 thirty-five (35) percent of 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 four square feet in area, non-illuminated and mounted flat against the wall of the principal building. No traffic shall be generated by such occupation in greater volume than would normally be expected in such a residential area and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Resolution.

## JUNK

"Junk" means old scrap copper, brass, rope, rags, trash, waste, batteries, paper, rubber, junked, dismantled, or wrecked automobiles or partes thereof; iron, steel, and other old or scrap ferrous or non-ferrous materials.



## JUNK YARD

"Junk Yard" means an establishment or place of business which is maintained or operated for the purpose of storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. It shall also include scrap metal processing facilities which are located within one thousand feet of the nearest edge of the right-of-way of a highway or street, and any site, location, or premise on which are kept two or more junk motor vehicles defined in Section 311.301 of the Ohio Revised Code, whether or not for a commercial purpose.

## KENNEL

Any lot or premise on which dogs, cats or other household pets are boarded, bred or exchanged for monetary compensations.

## 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 for one principal building together with its accessory building and which provides 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 record.

## 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, MINIMUM AREA OF

The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.

## LOT MEASUREMENTS

A lot shall be measured as follows:

1. **Depth.** The distance between the mid-points of straight liens connecting the foremost points of the side lot lines in front and rearmost points of the side lot lines in the rear. No lot shall have an average depth which is more than three (3) times its average width.
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 Lot.** 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.

## MAJOR THOROUGHFARE PLAN

The portion of the Comprehensive Plan adopted by the Board of County Commissioners indicating the general location recommended for arterial, collector, and local thoroughfares within the appropriate jurisdiction.

## MANUFACTURING, HEAVY

Manufacturing, processing, assembling, storing, testing and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, dust, glare, air pollution, odor, but not beyond the district boundary to any large extent.

## MANUFACTURING, LIGHT

Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor or dust; operating and storing within enclosed structures; and generating little industrial traffic and no major nuisances.

## MINING, COMMERCIAL QUARRIES, SAND AND GRAVEL PITS

Any mining, quarrying or processing of limestone, clay, sand and gravel or other mineral resources. Also referred to as mineral extraction.

## 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.

## NON-CONFORMITIES

A building, 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.

## NURSERY, NURSING HOME

A home or facility for the care and treatment of babies, children, pensioners or elderly people.

## NURSERY, TREE AND PLANT

A place where young trees or other plants are raised for transplanting and/or for sale.

## OFFICES

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, clerical, drafting, etc. Institutional offices of a charitable, philanthropic, financial or religious or educational nature are also included in this classification.

## OPEN SPACE

An area substantially open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools and tennis courts, and other recreational facilities that the zoning commission deems permissive. Streets, parking areas, structures for habitation, and the like shall not be included.

## ORCHARDS

An area of land devoted to the cultivation and sale of fruit trees and the sale of the fruit therefrom.

## PARKING SPACE, OFF-STREET

For the purpose of this Resolution an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

## PERFORMANCE BOND OR SURETY BOND

An agreement by a subdivider or developer with the Board of County Commissioners 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.

## PERSONAL SERVICES

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

## PRINTING AND PUBLISHING

Any business which is engaged in the printing and/or publishing of newspapers, magazines, brochures, business cards and similar activities either for profit or non-profit.

## PUBLIC SERVICE FACILITY

The erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, water treatment plants or pumping station, 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 governmental agency, including the furnishing of electrical, gas, rail transport, communication; public or private water and sewage service and sanitary landfills.

## 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 WAY

An alley, bridge, channel, ditch, easement, expressway, freeway, highway, land, road, sidewalk, street 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.

## QUASI-PUBLIC USE

Churches, and other facilities of an educational, religious, charitable, philanthropic, or non-profit nature.

## RECREATION, COMMERCIAL

Any business which is operated as a recreational enterprise, either publicly or privately owned, for profit. Examples include, but are not limited to: Golf Courses, Bowling Alleys, Swimming Pools, tourist attractions, etc.

## RECREATION, NON-COMMERCIAL

Any business which is operated as a recreational enterprise, either publicly or privately owned, for non-profit. Examples include, but are not limited to: fishing areas, parks, archery ranges, ball parks, etc.

## RECREATIONAL VEHICLE

A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, and motor home.

## RECREATIONAL VEHICLE PARK

A parcel of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

## RECREATIONAL VEHICLE SITE

A plot of ground within a recreational vehicle park intended for the accommodation of either a recreational vehicle, tent, or other individual camping unit on a temporary basis.

## RIGHT-OF-WAY

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

## SEAT

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

## SETBACK 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.

## 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 device designated to inform or attract the attention of persons not on the premises on which the sign is located.

1. 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.
2. Sign, Off-Premises: Any sign unrelated to a business or profession conducted or to a commodity or service sold or offered upon the premises where such sign is located.
3. Sign, Illuminated: Any sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light.
4. Sign, Lighting Device: Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.
5. Sign, Ground: Means a display sign supported by uprights or braces in or upon the ground surface.
6. Sign, Marquee: Means a display sign attached to or hung from a marquee, canopy or other covered structure projecting from and supported by the building and extending beyond the building wall, building line, or street lot line.
7. Sign, Pole: Means any sign which is erected on a pole or poles, which is wholly or partially independent of any building for support.
8. Sign, Projecting: Means a display sign which is attached directly to the building wall and which extends more than fifteen inches from the face of the wall.
9. Sign, Roof: Means a display sign which is erected, constructed and maintained above the roof of the building.
10. Sign, Temporary: Means a display sign, banner or other advertising device constructed on cloth, canvas, fabric or other light temporary material, with or without a structural frame, intended for a limited period of display, including decorative displays for holidays or public demonstrations.

11. Sign, Wall: Means a display sign which is painted on or attached directly to the building wall and which extends not more than fifteen inches from the face of the wall.

## STORY

That part of a building between the surface of a floor and the ceiling immediately above.

## TRANSIENT LODGINGS

A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such it is open to the public in contradistinction to a boarding house, rooming house, lodging house, or dormitory which is herein separately defined. Examples include: hotel, motel and apartment hotel.

## TRANSPORT TERMINALS

Any business, structure or premise which primarily receives or distributes goods.

## STRUCTURE

Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences and billboards.

## SUPPLY YARDS

A commercial establishment storing and offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods.

## 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. Farm ponds are exempt from this definition.

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



## 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 route.
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 in a vehicular turnaround.
5. Dead-end Street: A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
6. Local Street: A street primarily for providing access to residential or other abutting property.
7. Loop Street: A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the one hundred and eighty (180) degree system of turns are not more than one thousand (1000) feet from said arterial or collector street, nor normally more than six hundred (600) feet from each other.
8. Marginal Access Street: A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called Frontage Street).

## SERVICE STATION

Any building, structure, or land used for the dispensing and sale at retail of any automobile fuels, oils, or accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories but not including major repair work.

## THROUGH LOT

See Lot Types

## TRANSPORTATION, DIRECTOR OF

The Director of the Ohio Department of Transportation.

## 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.

## 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, a literal enforcement of the regulations would result in unnecessary and undue hardship.

## 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.

## WHOLESALE AND WAREHOUSING

Business establishments that generally store and 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.

## YARD

A required open space other than a court unoccupied and unobstructed by a structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward; provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

1. **Yard, Front:** A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.
2. **Yard, Rear:** A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.
3. **Yard, Side:** A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

## ZONING CERTIFICATE

A document issued by the Zoning Inspector authorizing the occupancy or use of a building or structure or the actual use of lots or land in accordance with the previously issued Zoning Permit.

## ZONING PERMIT

A document issued by the zoning inspector authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

ARTICLE III  
ENFORCEMENT

SECTION 300      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 therefor, issued by the Zoning Inspector. Zoning permits shall be issued only in conformity with the provisions of this Resolution unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use, or variance as provided by this Resolution.

SECTION 301      CONTENTS OF APPLICATION FOR ZONING PERMIT

The application for 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 six months or substantially completed within one and one-half (1½) years. At a minimum, the application shall contain the following information:

1. Name, address, and phone number of applicant;
2. Legal description of property;
3. Existing use;
4. Proposed use;
5. Zoning district;
6. Plans in duplicate 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;
7. Building heights;
8. Number of off-street parking spaces or loading berths;
9. Number of dwelling units;
10. Such other matter as may be necessary to determine conformance with, and provide for the enforcement of this Resolution.

## SECTION 302

### 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 six months. 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 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.

## SECTION 303

### SUBMISSION TO DIRECTOR OF TRANSPORTATION

Before any zoning permit is issued affecting any land within three-hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of Transportation, or any land within a radius of five-hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered mail to the Director of Transportation, that he shall not issue a zoning permit for one-hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Zoning Inspector that he shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the zoning permit. If the Director of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest or upon the expiration of the one-hundred twenty (120) day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this Resolution issue the zoning permit.

## SECTION 304

### EXPIRATION OF ZONING PERMIT

If the work described in any zoning permit has not begun within six months from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Inspector; and written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been substantially completed within one and one-half (1½) years of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new zoning permit has been obtained or extension granted. Extensions, if granted, shall be in six months increments, not to exceed one and one-half (1½) years.

**SECTION 310**

**CERTIFICATE OF OCCUPANCY**

It shall be unlawful to use or occupy or permit the use of occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued therefor by the Zoning Inspector stating that the proposed use of the building or land conforms to the requirements of this Resolution.

**SECTION 311**

**TEMPORARY CERTIFICATE OF OCCUPANCY**

A temporary certificate of occupancy may be issued by the Zoning Inspector for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion.

**SECTION 312**

**RECORD OF ZONING PERMITS AND CERTIFICATES OF OCCUPANCY**

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

**SECTION 320**

**FAILURE TO OBTAIN A ZONING PERMIT OR CERTIFICATE OF OCCUPANCY**

Failure to obtain a zoning permit or certificate of occupancy shall be a violation of this Resolution and punishable under Section 350 of this Resolution.

**SECTION 330**

**CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS, PERMITS, AND CERTIFICATES**

Zoning permits or certificates of occupancy 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 and punishable as provided in Section 350 of this Resolution.

**SECTION 340**

**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.

## SECTION 350

## PENALTIES FOR VIOLATION

Violation of the provisions of this Resolution or failure to comply with any of its requirements, including violations of conditions and safeguards established in various sections of this Resolution shall constitute a misdemeanor. Any person who violates this Resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one-hundred (100) dollars and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice, shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Board of Township Trustees from taking such other lawful action as is necessary to prevent or remedy any violation.

## SECTION 360

## SCHEDULE OF FEES, CHARGES, AND EXPENSES

The Board of Township Trustees shall by Resolution establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals, and other matters pertaining to the administration and enforcement of this Resolution requiring investigations, inspections, legal advertising, postage, and other expenses. The schedule of fees shall be posted in the office of the Zoning Inspector, and may be altered or amended only by Township Trustees. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

ARTICLE IV  
NON-CONFORMITIES

SECTION 400            INTENT

Within the districts established by this Resolution or future amendments that may later be adopted there exists 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. It is the intent of this Resolution to permit these non-conformities to continue until they are removed or discontinued. 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.

SECTION 410            INCOMPATIBILITY OF NON-CONFORMITIES

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

SECTION 420            AVOIDANCE OF UNDUE HARDSHIP

To avoid undue hardship, nothing in this Resolution shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction, was lawfully begun prior to the effective date of adoption or amendment of this Resolution 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.

SECTION 430            SINGLE 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 at effective date of adoption or amendment of this Resolution notwithstanding limitations imposed by other provisions of this Resolution. Such lot



must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variances of requirements listed in Article 9 and 10 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 540 through 549.

#### SECTION 431

#### NON-CONFORMING LOTS OF RECORD IN COMBINATION

If 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 width and area requirements established by this Resolution, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this Resolution.

#### SECTION 440

#### NON-CONFORMING USES OF LAND

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

1. No such non-conforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Resolution.
2. No such non-conforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this Resolution.
3. If any such non-conforming uses of land are discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this Resolution for the district in which such land is located.
4. No additional structure not conforming to the requirements of this Resolution shall be erected in connection with such non-conforming use of land.

## SECTION 450

### NON-CONFORMING STRUCTURES

Where a lawful structure exists at the effective date of adoption or amendment of this Resolution that could not be built under the terms of this Resolution by reason of restrictions on area, lot coverage, 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:

1. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity;
2. Should such non-conforming structure or non-conforming portion of structure be destroyed by fire or an Act of God, it may after approval by the Board of Zoning Appeals, be reconstructed as it previously existed. All remaining debris shall be cleared away and disposed of properly within two months of the time of destruction;
3. 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.

## SECTION 460

### NON-CONFORMING USES OF STRUCTURES OR OF STRUCTURES AND LAND IN COMBINATION

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

1. No existing structure devoted to a use not permitted by this Resolution in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
2. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Resolution; but no such use shall be extended to occupy any land outside such building;
3. If no structural alterations are made, any non-conforming use of a structure or structure and land, may, upon appeal to the Board of Zoning Appeals, be changed to another non-conforming 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

non-conforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other provisions of this Resolution.

4. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed;
5. When a non-conforming 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 sued except in conformity with the regulations of the district in which it is located;
6. Where non-conforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land except as stated in Section 450 paragraph 2.

## SECTION 470

### REPAIRS AND MAINTENANCE

On any non-conforming structure or portion of a structure containing a non-conforming 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 non-conforming shall not be increased. Nothing in this sections shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

## SECTION 480

### USES UNDER CONDITIONAL USE PROVISIONS NOT NON-CONFORMING USES

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

ARTICLE V  
ADMINISTRATION

SECTION 500      OFFICE OF ZONING INSPECTOR CREATED

A Zoning Inspector designated by the Board of Township Trustees shall administer and enforce this Resolution. He may be provided with the assistance of such other persons as the Trustees may direct.

SECTION 501      DUTIES OF ZONING INSPECTOR

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

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

SECTION 510      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 chairperson 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.

## SECTION 511

### DUTIES OF ZONING COMMISSION

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

1. Initiate proposed amendments to this Resolution;
2. Review all proposed amendments to this Resolution.

## SECTION 520

### BOARD OF ZONING APPEALS CREATED

A Board of Zoning Appeals is hereby created, which shall consist of five (5) members to be appointed by the Board of Township Trustees each for a term of five (5) years, except that the initial appointments shall be one (1), two (2), three (3), four (4), and five (5) year terms. Each member shall be a resident of the township. Members of the Board may be removed from office by the Trustees for cause upon written charges and after public hearing. Vacancies shall be filled by appointment by the trustees for the unexpired term of the member affected.

## SECTION 521

### PROCEEDINGS OF THE BOARD OF ZONING APPEALS

The Board 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 chairperson and at such other times as the Board may determine. The chairperson, or in his absence the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board 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 Board.

## SECTION 522

### DUTIES OF THE BOARD OF ZONING APPEALS

In exercising its duties, the Board may, as long as such action is in conformity with the terms of this Resolution, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Inspector from whom the appeal is taken. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this Resolution or to effect any variation in the application of this Resolution. For the purpose of this Resolution the Board has the following specific responsibilities:

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the Zoning Inspector;
2. To authorize such variances from the terms of this Resolution as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this Resolution will result in unnecessary hardship, and so that the spirit of this Resolution shall be observed and substantial justice done;
3. To grant conditional use permits as specified in the Official Schedule of District Regulations and under the conditions specified in Article 9 and such additional safeguards as will uphold the intent of this Resolution.

## SECTION 530

### DUTIES OF ZONING INSPECTOR, BOARD OF ZONING APPEALS, LEGISLATIVE AUTHORITY AND COURTS ON MATTERS OF APPEAL

It is the intent of this Resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Board shall be to the courts as provided by law. It is further the intent of this Resolution that the duties of the Township Trustees in connection with this Resolution shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this Resolution. Under this Resolution the Township Trustees shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this Resolution as provided by law; and of establishing a schedule of fees and charges as stated in Section 360 of this Resolution. Nothing in this Resolution shall be interpreted to prevent any official of the Township from appealing a decision of the Board to the courts as provided in the Ohio Revised Code. Any such appeal shall be made within ten (10) days of the Board's written decision.

## SECTION 540

### PROCEDURE AND REQUIREMENTS FOR APPEALS AND VARIANCES

Appeals and variances shall conform to the procedures and requirements of Sections 541-549, inclusive, of this Resolution. As specified in Section 522, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

## SECTION 541

### APPEALS

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Resolution may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Township affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing, with the Zoning Inspector and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

## SECTION 542

### STAY OF PROCEEDINGS

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

## SECTION 543

### VARIANCES

The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this Resolution as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Resolution would result in unnecessary hardship. No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this Resolution would result in unnecessary hardship.

## SECTION 544

### APPLICATION AND STANDARDS FOR VARIANCES

A variance from the terms of this Resolution shall not be granted by the Board of Zoning Appeals unless and until a written application for a variance is submitted to the Zoning Inspector and the Board of Zoning Appeals containing:

1. Name, address, and phone number of applicants;
2. Legal description of property;
3. Description or nature of variance requested;
4. A narrative statement demonstrating that the requested variance conforms to the following standards:
  - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
  - b. That a literal interpretation of the provisions of this Resolution would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Resolution;
  - c. That special conditions and circumstances do not result from the actions of the applicant;
  - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Resolution to other lands, structures, or buildings in the same district.

A variance shall not be granted unless the Board makes specific findings of fact based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed by subsection 4 of this section have been met by the applicant.

## SECTION 545

### SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this Resolution in the district involved, or any use expressly or by implication prohibited by the terms of this Resolution in said district. In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this Resolution and punishable under Section 350 of this Resolution.



**SECTION 546**

**PUBLIC HEARING BY THE BOARD OF ZONING APPEALS**

The Board of Zoning Appeals shall hold a public hearing within twenty (20) days after the receipt of an application for an appeal or variance from the Zoning Inspector or an applicant.

**SECTION 547**

**NOTICE OF PUBLIC HEARING IN NEWSPAPER**

Before holding the public hearing required in Section 546, notice of such hearing shall be given in one newspaper of general circulation in the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

**SECTION 548**

**NOTICE TO PARTIES IN INTEREST**

Before holding the public hearing required in Section 546, written notice of such hearing shall be mailed by the chairperson of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties in interest. Parties of interest shall include, but not be limited to, property owners contiguous to and directly across the road (street) from the property concerned. The notice shall contain the same information as required of notices published in newspapers as specified in Section 547.

**SECTION 549**

**ACTION BY BOARD OF ZONING APPEALS**

Within thirty (30) days after the public hearing required in Section 547, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 545, or disapprove the request for appeal or variance. The Board of Zoning Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building, or structure. Appeals from Board decisions shall be made in the manner specified in Section 530.

**SECTION 560**

**PROCEDURE AND REQUIREMENTS FOR APPROVAL OF CONDITIONAL USE PERMITS**

Conditional uses shall conform to the procedures and requirements of Section 561-568, inclusive of this Resolution.

**SECTION 561**

**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 possess 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 9, shall follow the procedures and requirements set forth in Sections 562-568, inclusive.

## SECTION 562

### CONTENTS OF APPLICATION FOR CONDITIONAL USE PERMIT

An application for conditional use permit shall be filed with the Chairperson of the Board of Zoning Appeals by at least one owner or lessee of property for which such conditional use is proposed. At a minimum, the application shall contain the following information:

1. Name, address, and phone number of applicant;
2. Legal description of property;
3. Description of existing use;
4. Zoning district;
5. Description of proposed conditional use;
6. 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 spaces, 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.
7. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, odor and fumes and on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the Comprehensive Plan.

## SECTION 563

### GENERAL STANDARDS APPLICABLE TO ALL CONDITIONAL USES

The Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. Is in fact a conditional use as established under the provisions of Article 9 and appears on the Official Schedule of District Regulations adopted by Section 910 for the zoning district involved;
2. 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.

3. Will not be hazardous or disturbing to existing or future neighboring uses;
4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and school; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
5. 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;
6. Will not involve uses, activities, processes, materials equipment and conditions of operation that will be detrimental to property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes or odors.
7. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

#### SECTION 565

#### SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this Resolution and punishable under Section 350 of this Resolution.

#### SECTION 566

#### PROCEDURE FOR HEARING, NOTICE

Upon receipt of the application for a conditional use permit specified in Section 562, the Board shall hold a public hearing, publish notice in a newspaper, and give written notice to all parties in interest according to the procedures specified in Section 545 through 548.

#### SECTION 567

#### ACTION BY THE BOARD OF ZONING APPEALS

Within thirty (30) days after the public hearing required in Section 566, the Board shall either approve, approve with supplementary conditions as specified in Section 565, 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. Appeals from Board decisions shall be made in the manner specified in Section 530.

SECTION 568

EXPIRATION OF CONDITIONAL USE PERMIT

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.

ARTICLE VI  
AMENDMENT

SECTION 600           PROCEDURE FOR AMENDMENT OR DISTRICT CHANGES

This Resolution may be amended utilizing the procedures specified in Section 601-611, inclusive of this Resolution.

SECTION 601           GENERAL

Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Board of Township Trustees may by Resolution, after receipt of recommendation thereon from the Zoning Commission, and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property.

SECTION 602           INITIATION OF ZONING AMENDMENTS

Amendments to this Resolution may be initiated in one of the following ways:

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

SECTION 603           CONTENTS OF APPLICATION

Applications for amendments to the Official Zoning map adopted as part of this Resolution by Section 700 shall contain at least the following information:

1. Name, address, and phone number of applicant;
2. Present use;
3. Present zoning district;
4. Proposed use;
5. Proposed zoning district;
6. 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;

7. A list of all property owners and their addresses who are within, contiguous to, or directly across the road (street) from the parcel(s) proposed to be rezoned and others than may have a substantial interest in the case, except that addresses need not be included where more than ten (10) parcels are to be rezoned;
8. A fee as established by the Township Trustees, according to Section 360.

#### SECTION 604

#### TRANSMITTAL TO ZONING COMMISSION

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

#### SECTION 605

#### SUBMISSION TO DIRECTOR OF TRANSPORTATION

Before any zoning amendment is approved effecting any land within three hundred (300) feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of Transportation, or within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway the Commission shall give notice, by registered or certified mail to the Director of Transportation. The Commission may proceed as required by law, however, the Township Trustees shall not approve the amendment for one hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Trustees that he shall proceed to acquire the land needed, then the Trustees shall refuse to approve the rezoning. If the Director of Transportation notifies the Trustees that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Trustees shall proceed as required by law.

#### SECTION 606

#### RECOMMENDATION BY ZONING COMMISSION

Within seventy (70) days from the receipt of the proposed amendment, the Zoning Commission after public hearing and complying with all requirements of Chapter 519.12 O.R.C. shall transmit its recommendation to the Township Trustees. The Zoning Commission may recommend that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be denied.

**SECTION 607**

**PUBLIC HEARING BY TOWNSHIP TRUSTEES**

Upon receipt of the recommendation from the Zoning Commission, the Township Trustees shall schedule a public hearing. Said hearing shall be not more than thirty (30) days from the receipt of the recommendation from the Zoning Commission.

**SECTION 608**

**NOTICE OF PUBLIC HEARING IN NEWSPAPER**

Notice of the public hearing required in Section 607 shall be given by the Township Trustees by at least one (1) publication in one (1) or more newspapers of general circulation in the Township. Said notice shall be published at least fifteen (15) days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.

**SECTION 610**

**ACTION BY TOWNSHIP TRUSTEES**

Within twenty (20) days after the public hearing required by Section 607, the Township Trustees shall either adopt or deny the recommendation of the Zoning Commission, or adopt some modification thereof. In the event the Trustees denies or modifies the recommendation of the Zoning Commission, it must do so by unanimous vote.

**SECTION 611**

**EFFECTIVE DATE AND REFERENDUM**

Such amendment adopted by the Trustees shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment there is presented to the Trustees a referendum petition, which is filed in accordance with Section 519.12 of the Ohio Revised Code as amended.

## ARTICLE VII

### PROVISIONS FOR OFFICIAL ZONING MAP

#### SECTION 700 OFFICIAL ZONING MAP

The districts established in Article 8 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.

#### SECTION 710 IDENTIFICATION OF THE OFFICIAL ZONING MAP

The Official Zoning Map shall be identified by the signature of the chairperson of the Board of Township Trustees and attested to by the Clerk.

#### SECTION 720 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:

1. 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;
2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be such boundaries;
3. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map;
4. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.



ARTICLE VIII  
ESTABLISHMENT AND PURPOSE OF DISTRICTS

SECTION 800

INTENT

The following zoning districts are hereby established for the township. For the interpretation of this Resolution, the zoning districts have been formulated to realize the general purposes as set forth in the preamble of this Resolution. In addition, the specific purpose of each zoning district shall be as stated.

SECTION 810

RURAL DISTRICT (U-1)

The intention of the rural district is to provide land which is suitable or used for agriculture, conservation, very low density residence and public and quasipublic purpose. Very low density residential land use refers to farm housing units and isolated residential developments not requiring a major plat under the County's Subdivision Regulations. (A major plat consists of 6 or more lots). Some residential, commercial and industrial development may be permitted as conditional uses under Section 560. On-site water and sewer facilities are permitted, provided such facilities comply with the County Health Department Regulations. Specific permitted and conditional uses are listed on the Official Schedule of District Regulations.

SECTION 811

LOW DENSITY RESIDENTIAL DISTRICT (R-1)

The purpose of the low density residential district is to provide land for single family dwelling units not to exceed four dwelling units per acre with a central sewerage system. This district shall also include land that is subdivided which requires a major plat under the County's Subdivision Regulations. (A major plat consists of 6 or more lots). Specific permitted and conditional uses are listed on the Official Schedule of District Regulations.

SECTION 812

HIGH DENSITY RESIDENTIAL DISTRICT (R-3)

The purpose of the high density residential district is to provide land for multi-family dwellings not to exceed sixteen (16) dwelling units per gross acre. Centralized water and sewerage facilities may be required. Specific permitted and conditional uses are listed on the Official Schedule of District Regulations.

**SECTION 814**

**SERVICE BUSINESS DISTRICT (B-1)**

The purpose of the service business district is to provide land for sales, service and repair establishments which require highway orientation or larger tracts of land not normally available in local business districts; do not contribute to the design of a unified business center; depend on drive-in business; and require a location along or near major thoroughfares and intersections. Specific permitted and conditional uses are listed on the Official Schedule of District Regulations.

**SECTION 815**

**HEAVY MANUFACTURING DISTRICT (M-2)**

The purpose of the heavy manufacturing district is to provide for the development of major manufacturing, processing, warehousing, and major research and testing operations. These activities may require extensive community facilities, and reasonable access to arterial thoroughfares; they may have extensive open storage and service areas and generate some heavy traffic. Specific permitted and conditional uses are listed on the Official Schedule of District Regulations.

ARTICLE IX  
DISTRICT REGULATIONS

SECTION 900

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; or as otherwise granted by the Board of Zoning Appeals.

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

SECTION 910

OFFICIAL SCHEDULE OF DISTRICT REGULATIONS ADOPTED

District regulations shall be as set forth in the Official Schedule of District Regulations hereby adopted and declared to be a part of this Resolution and in Article 10 of this Resolution, "Supplementary District Regulations." Regulations for Mobile Home Parks shall be those specified in Article 13.

ARTICLE X  
SUPPLEMENTARY DISTRICT REGULATIONS

SECTION 1000      GENERAL

The purpose of supplementary district regulations is to set specific conditions for various uses, classification of uses or areas where problems may frequently be encountered.

SECTION 1001      CONVERSION OF DWELLINGS TO MORE UNITS

A residence may be converted to accommodate an increased number of dwelling units provided:

1. The yard dimensions, including minimum lot width still meet the yard dimensions required by the zoning regulations for new structures in that district in which the dwelling is located.
2. The lot area per family equals the lot area requirements for new structures in that district;
3. The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district.

SECTION 1002      PRIVATE SWIMMING POOLS

A private swimming pool, not including farm ponds, shall be any pool, lake, or open tank 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 feet. No such swimming pool, exclusive of portable swimming pools with a diameter less than 12 feet or with an area of less than 100 square feet shall be allowed in any residential district, except as an accessory use and unless it complies with the following conditions and requirements:

1. The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.
2. It may not be located, including any walks or paved areas or accessory structures adjacent thereto, closer than 10 feet to any property line of the property on which it is located.
3. The swimming pool, or the entire property on which it is located shall be walled or fenced to prevent uncontrolled access by children from adjacent properties. Said fence or wall shall be not less than five feet in height and maintained in good condition with a gate and lock.

## SECTION 1003

### COMMUNITY OR CLUB SWIMMING POOLS

Community and club swimming pools are permitted in any commercial or residential district, but shall comply with the following conditions and requirements:

1. The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated;
2. The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than fifty (50) feet to any property line;
3. The swimming pool and all of the areas used by the bathers shall be walled or fenced to prevent uncontrolled access by children from the thoroughfare or adjacent properties. Said fence or wall shall not be less than five (5) feet in height and maintained in good condition.

## SECTION 1004

### TEMPORARY BUILDINGS

Temporary buildings, construction trailers, equipment and materials used in conjunction with construction work only may be permitted in any district during the period construction work is in progress, but such temporary facilities shall be removed upon completion of the construction work. Storage of such facilities or equipment beyond the completion date of the project shall require a zoning permit authorized by the Zoning Inspector.

## SECTION 1005

### PARKING AND STORAGE OF CERTAIN VEHICLES

Automotive vehicles without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings. The parking of a disabled vehicle within a residential 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. The parking or storage of a junked, dismantled or wrecked automotive vehicle or parts thereof within any district which is in public view from any highway for a period of more than thirty (30) days shall be prohibited. This section shall not apply to properly licensed junk yards.

## SECTION 1006

### REQUIRED TRASH AREAS

All commercial, industrial, and multi-family residential uses that provide trash and/or garbage collection areas shall be enclosed on at least three sides by a solid wall or fence a minimum of four feet in height or one foot higher than the receptacles therein if such area is not within an enclosed building or structure. Provisions for adequate vehicular ac-

cess to and from such area or areas for collection of trash and/or garbage as determined by the Zoning Inspector shall be required.

**SECTION 1010 SUPPLEMENTAL YARD AND HEIGHT REGULATIONS**

In addition to all yard regulations specified in the Official Schedule of District Regulations and in other sections of this Resolution, the provisions of Sections 1011-1017, inclusive shall be used for interpretation and clarification.

**SECTION 1011 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.

**SECTION 1012 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 (2½) 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 said street lines fifty (50) feet from the point of intersection.

**SECTION 1014 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.

**SECTION 1015 SIDE AND REAR YARD REQUIREMENTS FOR NON-RESIDENTIAL USES ABUTTING RESIDENTIAL DISTRICTS**

Non-residential buildings or uses shall not be located in or conducted closer than (40) feet to any lot line of a residential district, except that the minimum yard requirements may be reduced to fifty (50) percent of the requirement if acceptable landscaping or screening approved by the Zoning Inspector is provided.

**SECTION 1016 ARCHITECTURAL PROJECTIONS**

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

**SECTION 1017 EXCEPTIONS TO HEIGHT REGULATIONS**

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

**SECTION 1020 SPECIAL PROVISIONS FOR COMMERCIAL AND INDUSTRIAL USES**

No commercial or industrial use as designated on the Official Schedule of District Regulations and defined herein nor any land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises, except that any use permitted by this Resolution may be undertaken and maintained if acceptable measures and safeguards to reduce dangerous and objectionable conditions to acceptable limits as established by the performance requirements in Sections 1021-1032, inclusive.

**SECTION 1021 FIRE HAZARDS**

Any activity involving the use or storage of flammable chemicals, petroleum products or explosive materials shall be protected by adequate fire-fighting and fire-prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.

**SECTION 1022 ELECTRICAL DISTURBANCE**

No activity shall emit electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance. The disturbance must be due solely to the creator and not due to defective wiring, equipment etc., at the receiving point.

**SECTION 1023**

**NOISE**

Noise is the general word for any loud, disagreeable, annoying or deafening sound painful to the ear. Objectionable noise as determined by the zoning inspector which is due to volume or frequency shall be muffled or otherwise controlled. Disaster or fire sirens and related apparatus used solely for public purposes are exempt from this requirement.

**SECTION 1024**

**WATER POLLUTION**

Water pollution as defined or determined by the County Board of Health or the Ohio Environmental Protection Agency shall be subject to corrective measures, requirements and regulations as established by the Board of Health or the Ohio E.P.A.

**SECTION 1025**

**MINING, MINERAL, CLAY SAND AND GRAVEL EXTRACTION, STORAGE AND PROCESSING**

The extraction, storage and processing of minerals shall be conducted in accordance with the requirements of Sections 1026 and 1032 inclusive.

**SECTION 1026**

**DISTANCE FROM RESIDENTIAL AREAS**

Mineral extraction, storage or processing shall not be conducted closer than 500 feet from any residential district, nor closer than 200 feet from any structure used for human occupancy in any other district.

**SECTION 1027**

**FILING OF LOCATION MAP**

The operator shall file with the Zoning Inspector a location map which clearly shows areas to be mined and the location of adjacent properties, roads and natural features.

**SECTION 1028**

**INFORMATION ON OPERATION**

The operator shall submit information on the anticipated depth of excavations and on depth and probable effect on the existing water table as coordinated with the Ohio Division of Water.

**SECTION 1029**

**RESTORATION OF MINED AREA**

The operator may be required to file with the board of zoning appeals a detailed plan for the restoration of the area to be mined which shall include the anticipated future use of the restored land.



**SECTION 1030      PERFORMANCE BOND**

The operator may be required to file with the Board of Township Trustees a bond, or other surety, payable to the township and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The bond or other surety shall be released upon written certification of the zoning inspector that the restoration is complete and in compliance with the restoration plan.

**SECTION 1031      ENFORCEMENT PROVISIONS**

The zoning inspector, prior to the issuance of a zoning permit, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances. The area being mined or that has been mined shall be posted with "NO TRESPASSING" signs to discourage human injury to the general public.

**SECTION 1032      MEASUREMENT PROCEDURES**

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

**SECTION 1033      FLOOD PLAIN DEVELOPMENT**

No development shall take place in any designated Flood Plain Areas unless a permit is acquired from the Shelby County Regional Planning Commission and construction is in conformance with the Shelby County Flood Damage Prevention Ordinance.

## ARTICLE XI

### OFF-STREET PARKING AND LOADING REQUIREMENTS

#### SECTION 1100 GENERAL REQUIREMENTS

1. No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off-street parking and/or loading spaces have been provided in accordance with the provisions of this Resolution.
2. The provisions of this Article, except where there is a change of use, shall not apply to any existing building or structure.
3. Whenever a building or structure constructed after the effective date of this Resolution is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change. Whenever a building or structure existing prior to the effective date of this Resolution is enlarged to the extent of fifty (50) percent or more in floor area, number of employees, number of housing units, seating capacity or otherwise, said building or structure shall then and thereafter comply with the full parking requirements set forth herein.

#### SECTION 1110 PARKING SPACE DIMENSIONS

A parking space shall have minimum rectangular dimensions of not less than nine (9) feet in width and nineteen (19) feet in length for ninety (90) degree parking, nine (9) feet in width and twenty-three (23) feet in length for parallel parking, ten (10) feet in width and nineteen (19) feet in length for sixty (60) degree parking, and twelve (12) feet in width and nineteen (19) feet in length for forty-five (45) degree parking. All dimensions shall be exclusive of driveways, aisles and other circulation areas. The number of required off-street parking spaces is established in Section 1130 of this Resolution.

#### SECTION 1111 LOADING SPACE REQUIREMENTS AND DIMENSIONS

A loading space shall have minimum dimensions of not less than twelve (12) feet in width, fifty (50) feet in length, exclusive of driveways, aisles and other circulation areas and a height of clearance of not less than fifteen (15) feet. One off-street loading space shall be provided and maintained on the same lot requiring delivery of goods and having a modified gross floor area of up to five thousand (5,000) square feet. One loading space shall be provided for each additional ten thousand (10,000) square feet or fraction thereof of ground floor area.

**SECTION 1112 PAVING**

The required number of parking and loading spaces as set forth in Section 1111 and 1130, together with driveways, aisles and other circulation areas, shall be improved with such material to provide a durable and dust-free surface.

**SECTION 1113 DRAINAGE**

All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways.

**SECTION 1114 MAINTENANCE**

The owner of property used for parking and/or loading shall maintain such area in good condition without holes and free of all dust, trash and other debris.

**SECTION 1115 LIGHTING**

Any lights used to illuminate a parking lot shall be so arranged as to reflect the light away from the adjoining property.

**SECTION 1116 LOCATION OF PARKING SPACES**

The following regulations shall govern the location of off-street parking spaces and areas:

1. Parking spaces for all detached residential uses shall be located on the same lot as the use which they are intended to serve;
2. Parking spaces for commercial, industrial or institutional uses shall be located not more than seven hundred (700) feet from the principal use;
3. Parking spaces for apartments, or similar residential uses shall be located not more than three hundred (300) feet from the principal use.

**SECTION 1117 SCREENING AND/OR LANDSCAPING**

Whenever a parking area is located in or adjacent to a residential district it shall be effectively screened on all sides which adjoin or face any property used for residential purposes, by an acceptable designed fence, or planting screen. Such fence or planting screen shall be not less than four (4) feet nor more than six (6) feet in height and shall be maintained in good condition. In the event that terrain or other natural features are such that the erection of such fence or planting screen will not serve the intended purpose, then no such fence or planting screen and landscaping shall be required.

**SECTION 1119      MINIMUM DISTANCE AND SETBACKS**

No part of any parking area for more than ten (10) vehicles shall be closer than twenty (20) feet to any dwelling unit..... if located on an adjoining lot, unless separated by an acceptably designed screen. In no case shall any part of a parking area be closer than four (4) feet to any established road right-of-way.

**SECTION 1120      JOINT USE**

Two or more non-residential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement approved by the Zoning Inspector shall be filed with the application for a zoning permit.

**SECTION 1121      WHEEL BLOCKS**

Whenever a parking lot extends to a property line, wheel blocks or other suitable devices shall be installed to prevent any part of a parked vehicle from extending beyond the property line.

**SECTION 1122      WIDTH OF DRIVEWAY AISLE**

Driveways serving individual parking spaces shall be not less than twenty-five (25) feet wide for ninety (90) degree parking twelve (12) feet wide for parallel parking, seventeen and one-half (17½) feet for sixty (60) degree parking and thirteen (13) feet for forty-five (45) degree parking.

**SECTION 1130      PARKING SPACE REQUIREMENTS**

For the purpose of this Resolution, the following parking space requirements shall apply:

<u>TYPE OF USE</u>	<u>PARKING SPACES REQUIRED</u>
Single family or two-family dwelling	Two for each unit
Apartments, or multi-family dwellings	Two for each unit
Mobile Homes	Two for each unit
Outdoor swimming pools, public or community or club	One for each 5 persons capacity plus one for each seats or one for each 30 sq. ft floor area used for seating purposes whichever is greater
Retail establishments	One for each 250 sq. ft. of floor area.

**TYPE OF USE**

**PARKING SPACES REQUIRED**

Offices, public or professional administration or service buildings

One for each 400 sq. ft. of floor area

All other types of businesses or commercial uses permitted in any district.

One for each 300 sq. ft. of floor area

Churches

One for each 5 seats

All types of manufacturing, storage and wholesale uses

One for every 2 employees of the largest shift for which the building is designed

**SECTION 1131**

**GENERAL INTERPRETATIONS**

In the interpretation of this Article, the following rules shall govern:

1. Parking spaces for other permitted or conditional uses not listed in this Article shall be determined by the Board upon an appeal from a decision of the Zoning Inspector.
2. Fractional numbers shall be increased to the next whole number.
3. When a reason for parking demand is unusually low, then the parking space provisions cited above may be reduced proportionately by the Board upon an appeal from a decision of the Zoning Inspector.

## ARTICLE XII

### SIGNS

#### SECTION 1200 INTENT

The purpose of this Article is to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and to protect the physical appearance of the township.

#### SECTION 1201 GOVERNMENTAL SIGNS EXCLUDED

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

#### SECTION 1202 GENERAL REQUIREMENTS FOR ALL SIGNS AND DISTRICTS

The regulations contained in this section shall apply to all signs and all use districts.

1. Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public thoroughfare so as to cause glare or reflection that may constitute a traffic hazard or nuisance;
2. All wiring, fittings and materials used in the construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions of the local electric code in effect, if any;
3. No sign shall be placed on the roof of any building ;
4. No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided in Section 1220 herein;
5. No sign except as provided in Section 1220, or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention when not part of a sign;

6. No sign of any classification shall be installed, erected, or attached in any form, shape or manner to a fire escape or any door or window giving access to any fire escape;
7. All signs hung and erected shall be plainly marked with the name of the person, firm or corporation responsible for maintaining the sign;
8. Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same, shall upon receipt of written notice from the Zoning Inspector proceed at once to put such sign in a safe and secure condition or remove the sign;
9. No sign shall be placed in any public right-of-way except publicly-owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any property.

### SECTION 1203 MEASUREMENT OF SIGN AREA

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

### SECTION 1210 SIGNS PERMITTED IN ALL DISTRICTS NOT REQUIRING A PERMIT

1. Signs advertising the sale, lease or rental of the premises upon which the sign is located, shall not exceed twelve (12) square feet in area, except in all residential districts where the area of the sign shall not be more than eight (8) square feet.
2. Professional name plates not to exceed two(2) feet by three (3) feet in area.
3. Signs denoting the name and address of the occupants of the premises, not to exceed four (4) square feet in area.

### SECTION 1211 SIGNS PERMITTED IN ANY DISTRICT REQUIRING A PERMIT

1. Signs or bulletin boards customarily incidental to places of worship, social clubs or societies, which signs or bulletin boards shall not exceed fifteen (15) square feet in area and which shall be located on the premises of such institution.
2. Any sign advertising a commercial enterprise, including real estate developers or subdividers in a district zoned residential shall not exceed twelve (12) square feet in area and shall advertise only the names of the owners, trade names, products sold and/or the business or activity conducted on the premises where such sign is located.

## SECTION 1212

### SIGNS PERMITTED IN BUSINESS AND MANUFACTURING DISTRICTS REQUIRING A PERMIT

The regulations set forth in this section shall apply to signs in the business and manufacturing districts and such shall require a permit.

1. In a business or manufacturing district, each business shall be permitted one flat or wall on-premises sign. Projection of wall signs shall not exceed two feet measured from the face of the main building. The area of all permanent on-premises signs for any single business enterprise may have an area equivalent to one and one half (1½) square feet of sign area for each lineal foot of building width, or part of a building, occupied by such enterprise but shall not exceed a maximum area of one hundred (100) square feet.
2. In a business or manufacturing district, two off-premises signs with a total area not exceeding six hundred (600) square feet for both may be permitted at a single location. No single off-premises sign shall exceed three hundred (300) square feet, nor shall off-premises signs visible to approaching traffic have a minimum spacing of less than two hundred (200) feet. Off-premises signs shall conform to all applicable yard and height regulations for the appropriate zoning district. Off-premises wall signs shall have all structural and supporting members concealed from view.

## SECTION 1220

### TEMPORARY SIGNS

Temporary signs not exceeding sixty-four (64) square feet in area, announcing special public or institutional events, the erection of a building, the architect, the builders, or contractors may be erected for a period of sixty (60) days plus the construction period. Such temporary signs shall conform to the general requirements listed in Section 1202, the setback requirements in Sections 1240-1243, and in addition, such other standards deemed necessary to accomplish the intent as stated in Section 1200.

## SECTION 1221

### FREE STANDING SIGNS

Free-standing on-premises signs not over thirty (30) feet in height, having a maximum total sign area of one hundred (100) square feet per display area and located not closer than fifteen (15) feet to any adjoining lot line may be erected to serve a group of business establishments. There shall be only one free-standing sign for each building, regardless of the number of businesses conducted in said building.

## SECTION 1222

### WALL SIGNS PERTAINING TO NON-CONFORMING USES

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



SECTION 1230 POLITICAL SIGNS

No political sign shall be posted in any place or in any manner that is destructive to public property upon posting or removal. No political sign shall be posted more than sixty (60) days before an election. 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 within two weeks following election day.

SECTION 1240 SIGN SETBACK REQUIREMENTS

Except as modified in Sections 1241-1244, on-premises signs where permitted shall be set back from the established right-of-way line of any thoroughfare at least ten (10) feet. No off-premises sign shall be erected in front of the required setback line for the appropriate zoning district.

SECTION 1241 INCREASED SETBACK

For every square foot by which any on-premises sign exceeds fifty (50) square feet, the setback shall be increased by one-half ( $\frac{1}{2}$ ) foot but need not exceed one hundred (100) feet.

SECTION 1242 SETBACKS FOR OFF-PREMISES SIGNS

If a setback line is not established for the appropriate zoning district, off-premises signs shall be set back a minimum of ten (10) feet from the right-of-way line.

SECTION 1243 SETBACKS FOR PUBLIC AND QUASIPUBLIC SIGNS

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

SECTION 1244 SPECIAL YARD PROVISIONS

On-premises signs where permitted shall be erected or placed in conformity with the side and rear yard requirements of the district on which located, except that in any residential district, on-premises signs shall not be erected or placed within twelve (12) feet of a side or rear lot line. If the requirement for a single side yard in the appropriate zoning district is more than twelve (12) feet, the latter shall apply.

**SECTION 1250**

**LIMITATION**

**For the purpose of this Resolution, outdoor advertising off-premises signs shall be classified as a business use and be permitted in all districts zoned for business or lands used for agricultural purposes. In addition, regulation of signs along primary highways shall conform to the requirements of Ohio Revised Code Chapter 5516 and the regulations adopted pursuant thereto.**

**SECTION 1251**

**VIOLATIONS**

**In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this resolution, the Zoning Inspector shall notify in writing the owner or lessee thereof to alter such sign so as to comply with this resolution. Failure to comply shall be deemed a violation and shall be punishable under Section 350 of this Resolution.**

## ARTICLE XIII

### MOBILE HOME PARKS AND MOBILE HOMES INDIVIDUALLY

#### SECTION 1300 INTENT

It is the intent of this Article to regulate the location of, and to encourage, stabilize and protect the development of well-planned mobile home parks if one is proposed.

#### SECTION 1310 APPROVAL PROCEDURES

Mobile home parks shall be permitted only as a conditional use in the U-1 District and shall be developed according to the general standards and regulations stated and referenced in Article 13.

#### SECTION 1320 GENERAL STANDARDS FOR MOBILE HOME PARKS

The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed or expanded mobile home park in terms of the following standards and shall find adequate evidence showing that the mobile home park development:

1. 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;
2. Will not be hazardous or detrimental to existing or future neighboring uses;
3. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage, refuse disposal and schools; or that the persons or agencies responsible for the establishment of the proposed park shall be able to provide adequately any such services;
4. Will be consistent with the intent and purpose of this Resolution;
5. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads;
6. Will not result in the destruction, loss or damage of natural features of major importance;
7. Minimum size of mobile home park shall not be less than ten (10) acres.

**SECTION 1330      MOBILE HOME PARK REQUIREMENTS**

Mobile home parks shall be developed in accordance with the requirements of Chapter 37-1-27 of the Ohio Sanitary Code adopted by the Public Health Council under the authority of the Ohio Revised Code Section 3733 and as amended.

**SECTION 1340      MINIMUM FLOOR AREA**

Individual mobile homes located within the park shall have a minimum floor area of eight hundred forty (840) square feet using accepted industry measurement standards.

**SECTION 1341      MOBILE HOMES INDIVIDUALLY**

The following requirements shall apply to mobile home dwellings that are placed upon an individual lot in any district where permitted.

1. Individual mobile homes shall have, using accepted industry measurement standards, a minimum area of eight hundred forty (840) square feet of floor area.
2. The mobile home's axle and wheels shall be removed and the home shall be placed upon a permanent stand not less than ten (10) feet by fifty (50) feet. The stand shall be constructed of a minimum of six (6) inches of concrete and provide at least four (4) tie-down rings each side. In lieu of the above stand, concrete pillars twelve (12) inches square and a minimum of thirty-six (36) inches below ground at all blocking points may be used.
3. The mobile home shall be skirted entirely enclosing the bottom section, within ninety (90) days after its placement. Skirting shall be constructed of vinyl, aluminum or other suitable material that is designed specifically for this purpose.
4. The mobile home shall be landscaped with lawn within one hundred sixty (160) days after its placement.

The Board of Zoning Appeals may set other conditions which it deems appropriate.

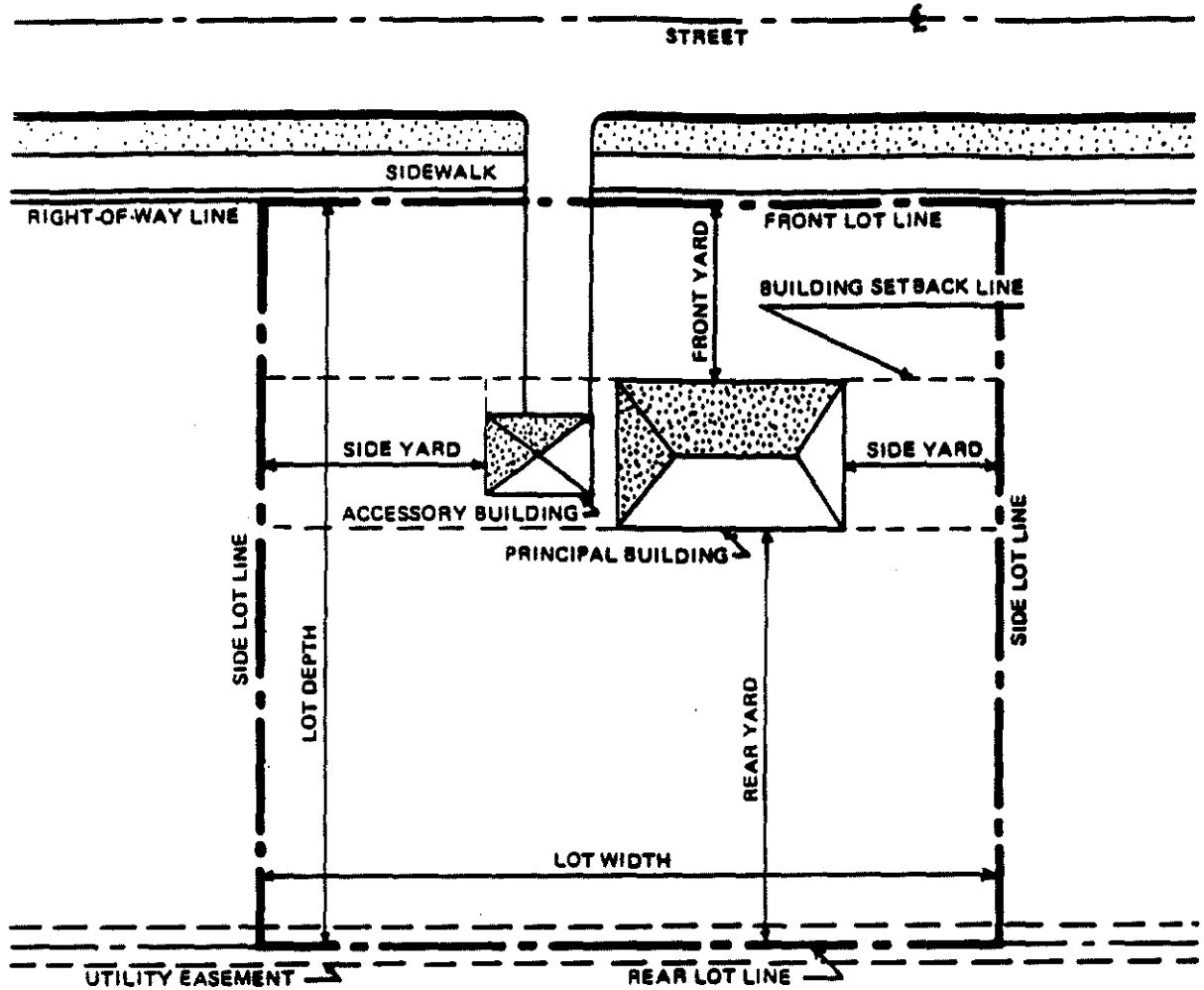
Adopted: \_\_\_\_\_ 19\_\_\_\_

\_\_\_\_\_  
Chairperson, Township Trustees

Attest: \_\_\_\_\_  
Township Clerk

\_\_\_\_\_  
Township Trustee

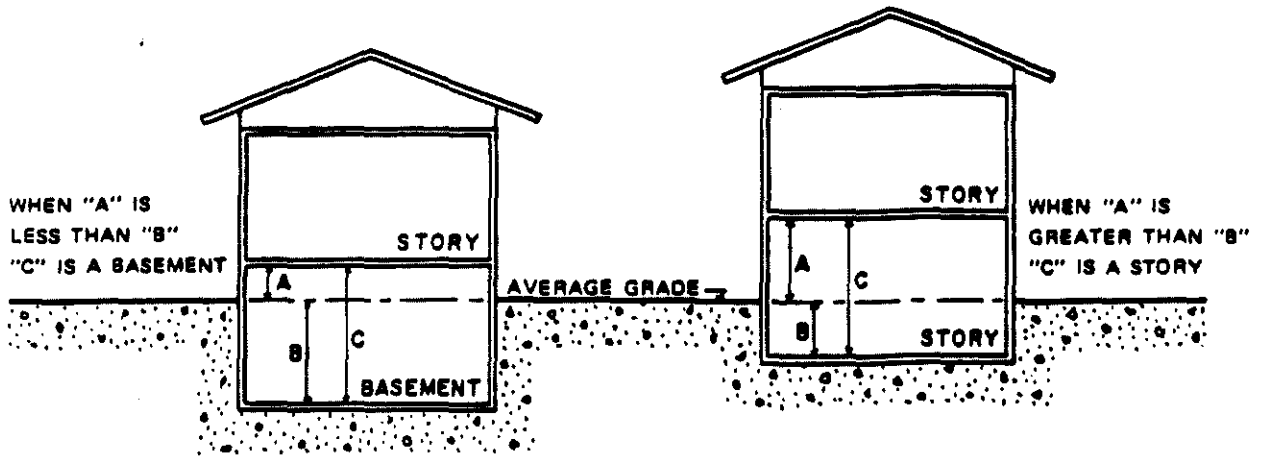
\_\_\_\_\_  
Township Trustee



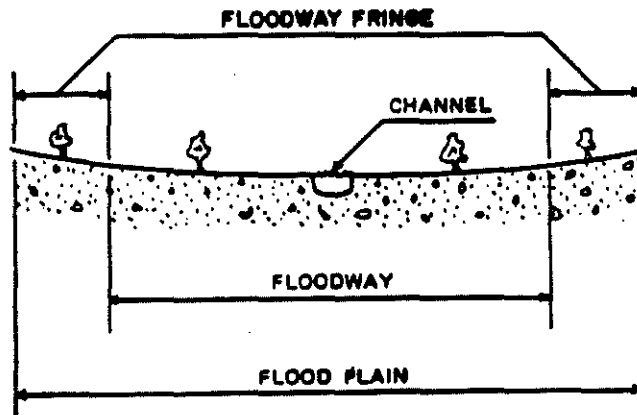
**LOT AREA= TOTAL HORIZONTAL AREA**

**LOT COVERAGE= PER CENT OF LOT OCCUPIED  
BY BUILDING**

## **LOT TERMS**

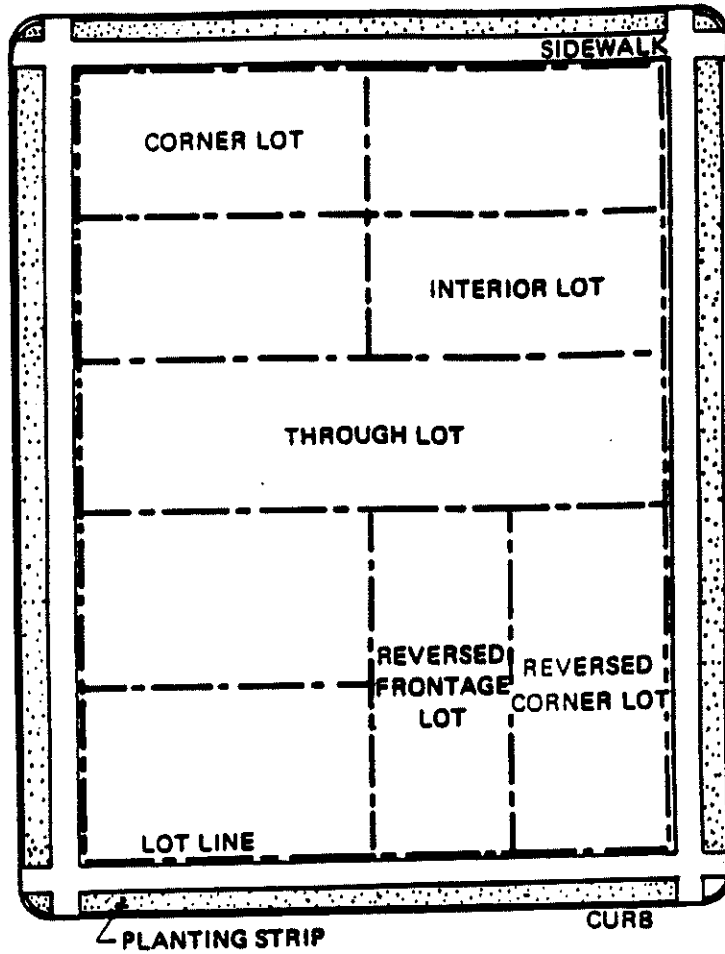


## BASEMENT & STORY



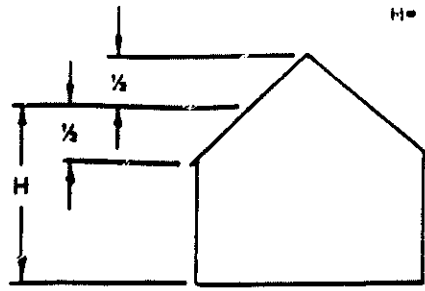
## FLOOD PLAIN TERMS

**STREET**

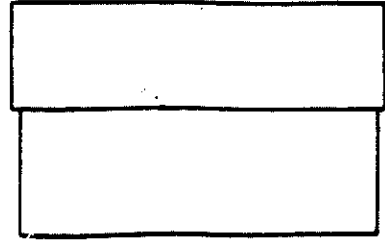


**TYPES OF LOTS**

H = HEIGHT OF BUILDING

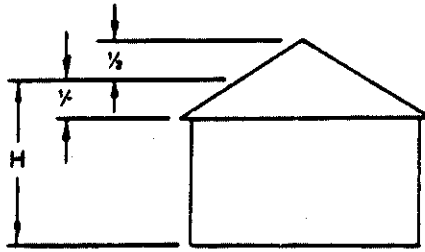


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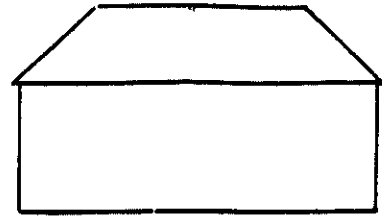


SIDE VIEW

GABLE ROOF

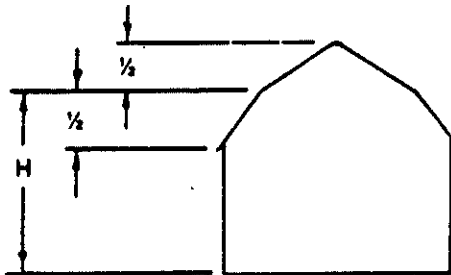


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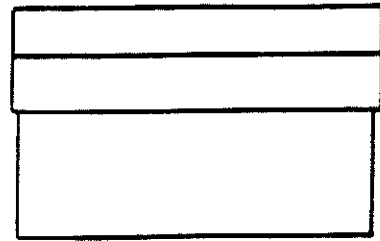


SIDE VIEW

HIP ROOF

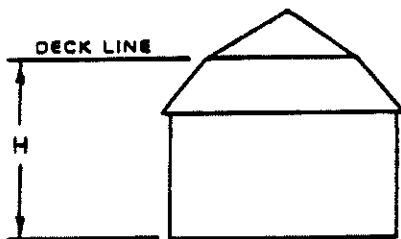


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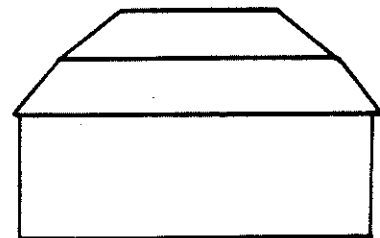


SIDE VIEW

GAMBREL ROOF



END VIEW



SIDE VIEW

MANSARD ROOF

## ROOF TYPES AND BUILDING HEIGHT

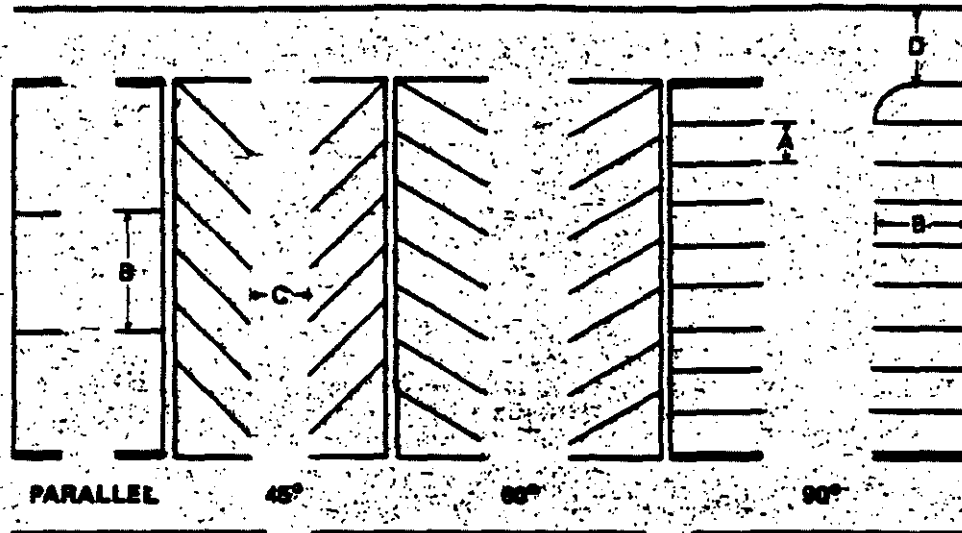


**ARTICLE 11**

**OFF-STREET PARKING AND LOADING FACILITIES**

Sections 1110, 1122, 1124

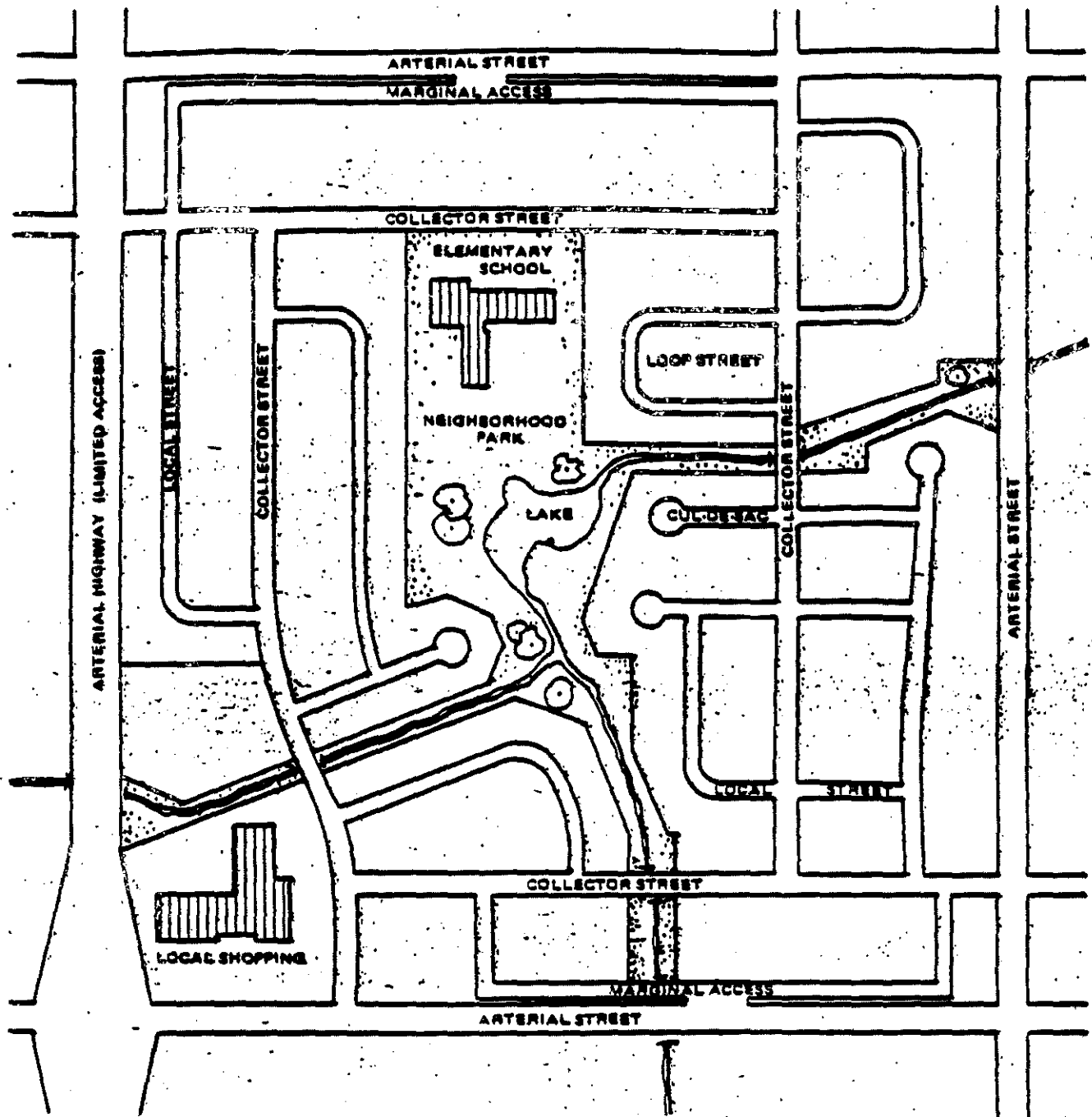
Example and dimensional table for off-street parking design requirements.



**OFFSTREET PARKING**

**OFF-STREET PARKING DIMENSIONAL TABLE**

	45°	60°	90°	Parallel
A Width of Parking Space	12'	10'	9'	9'
B Length of Parking Space	19'	18'	18'	23'
C Width of Driveway Aisle	13'	13'6"	25'	12'
D Width of Access Driveway	17'	14'	14'	14'



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**CLASSIFICATION OF THE THOROUGHFARE SYSTEM**

# DINSMORE TOWNSHIP TRUSTEES

CLERK'S OFFICE  
Ronald Platfoot, Clerk

409 S. Main St., P.O. Box 2  
Botkins, OH 45306-0002

Dinsmore Township, Shelby County, Ohio

Resolution to amend the Dinsmore Township Zoning Regulations and Map.

Whereas, the Board of Trustees of Dinsmore Township, Shelby County, Ohio, believes that it is in the best interest of the township and its inhabitants to adopt the changes set forth in the attached new text with modern provisions and updated map, which were drafted and recommended by the Dinsmore Township Zoning Commission. Trustees held a public hearing November 22, 2000, due notice of hearing was given by publication in the *Sidney Daily News*.

Now therefore, be it resolved by the board of township trustees of Dinsmore Township, Shelby County, Ohio, by Resolution #00-04, that this board does hereby amend the zoning resolution text and map as stated on the attached text and map. Resolution #00-04 adopted on November 27, 2000.

Be it further resolved, that the amended text and map will become effective on January 01, 2001.

Be it further resolved that the clerk submit a certified copy of this resolution and copy of new text and map to the Shelby County Recorder and Shelby County Regional Planning Commission.

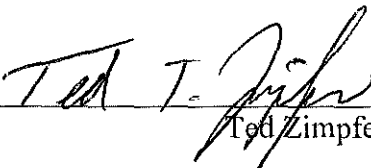
Dinsmore Township Trustees

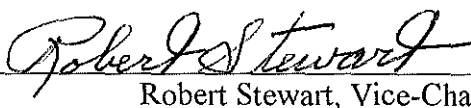
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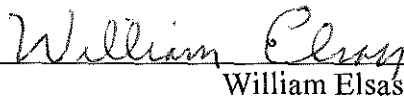
DEC 29 2000

JANET M. BECKER  
RECORDER, SHELBY COUNTY, OH

222.<sup>00</sup>

  
Ted Zimpfer, Chairman


  
Robert Stewart, Vice-Chairman

  
William Elsass, Trustee

CERTIFICATE

State of Ohio, Shelby County

I, the undersigned clerk of Dinsmore Township, Shelby County, Ohio, certify that the foregoing Resolution #00-04 is taken and copied from the record of proceedings of the township, and that it has been compared by me with the resolution on the record and is a true copy.

  
Ronald Platfoot, Clerk

# Dinsmore Township Zoning Resolution

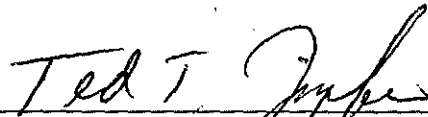
Adopted: November 27, 2000

Effective: January 01, 2001

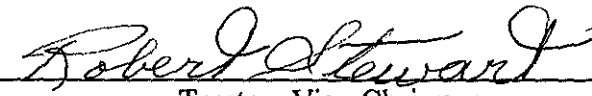
by

Resolution #00-04

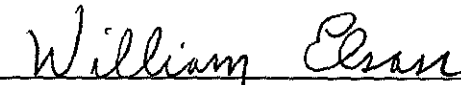
Dinsmore Township Board of Trustees  
201 West South Street  
Botkins, Shelby County, Ohio 45306



Trustee, Chairman



Trustee, Vice-Chairman



Trustee



Clerk

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## CHAPTER 1

### GENERAL PROVISIONS

#### SECTION:

#### 100 Title

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

#### 110 Purpose

This Resolution is enacted for the general purpose of promoting the public health, safety, comfort and welfare of the residents of the Dinsmore Township, Shelby County, Ohio; protecting the property rights of all individuals by assuring the compatibility of uses and practices within districts; facilitating the provision of public utilities and public services; lessening congestion on public streets, roads and highways; and providing for the administration and enforcement of this Resolution, whether through the provisions in this Resolution, the Ohio Revised Code or common law rulings.

#### 120 Interpretation

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

#### 130 Separability

Should any Section or provision of this Resolution be judicially declared to be unconstitutional or invalid, such decision shall not affect the validity of this Resolution as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

#### 140 Repeal of Conflicting Resolutions

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

#### 150 Effective Date

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

#### 160 Official Copies

An official copy of this Resolution and all amendments thereto shall be maintained on file at the Township Building, the Shelby County Recorder's Office and Shelby County Regional Planning Office.

## CHAPTER 2

### ESTABLISHMENT OF DISTRICTS

#### SECTION:

#### 200 Purpose

The purpose of this Chapter is to establish zoning districts in order to realize the general purpose set forth in **CHAPTER 1** of this Resolution, provide for orderly growth and development, and protect the property rights of all individuals by assuring the compatibility of uses and practices within such districts.

#### 210 Establishment of Districts

The following zoning districts are hereby established for the Township of Dinsmore, Shelby County, Ohio:

- A-1 Agricultural
- R-1 Low Density Single-family Residential
- R-2 Single-family and Two-family Residential
- R-3 Multi-family Residential
- B-1 Local Business
- B-2 General Business
- I-1 Light Industrial
- I-2 Heavy Industrial
- ME Mineral Extraction
- REC Recreation District

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

#### 220 Zoning Map

The districts established in **Section 210** shown on the Official Zoning Map, together with all data, references, explanatory material and notations thereon, are hereby officially adopted as part of this Resolution and incorporated by reference, thereby having the same force and effect as if herein fully described in writing.

#### 221 Zoning Map Legend

There shall be provided on the Official Zoning Map a legend, which shall list the name of each zoning district and indicate a symbol for that district. A color, combination of colors, or pattern may be used in place of symbols to identify the respective zoning districts in such legend. In addition to such legend the Official Zoning Map shall provide sufficient space to denote amendments in compliance with **Section 224**.

**222 Identification of Zoning Map**

The Official Zoning Map shall be properly identified by the signature of the Chairman of the Board of Township Trustees and attested by the Township Clerk. The Map shall be maintained by the Zoning Administrator and shall remain on file in the office of the Clerk. The Official Zoning Map shall control whenever there is an apparent conflict between the district boundaries as shown on the Map and the descriptions as found in the text of this or any other resolution. The Official Zoning Map shall be a reproducible document, and copies shall be made available to the public upon request and payment of a fee as established by resolution.

**223 Interpretation of District Boundaries**

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

1. Where district boundaries follow the centerlines of thoroughfares or highways, such centerlines shall be construed to constitute said boundaries;
2. Where district boundaries follow lot lines, such lot lines shall be construed to constitute said boundaries;
3. Where district boundaries approximately parallel the center lines of thoroughfares, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map;
4. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line;
5. Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Township, unless otherwise indicated;
6. Where district boundaries follow the limits of any municipal corporation, such boundaries shall be construed as contiguous with such limits;
7. Whenever any street, alley or other public way is vacated by the Board of Township Trustees, the zoning district adjoining each side of such street, alley, or public way shall automatically be extended to the center of such vacation, and all areas within that vacation shall thenceforth be subject to all regulations appropriate to the respective extended districts.

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

**224 Zoning Map Amendments**

Within fifteen (15) days of the effective date of any change of a zoning district classification or boundary the Zoning Administrator shall amend the Official Zoning Map to reflect such change, and shall note on the legend its effective date, together with an appropriate reference to the resolution authorizing such change. The Official Zoning Map so amended shall then be signed by the Chairman and attested to by the Clerk.

## Chapter 3

### DISTRICT REGULATIONS

#### SECTION:

#### 300 Introduction

The zoning district regulations in this Chapter are intended to ensure that the basic character of development for each of the zoning districts hereinafter set forth is achieved. These regulations help to make one district different from another by regulating the land uses and intensity of development permitted. This Chapter provides the basic parameters for each zoning district classification. Other Sections of this Resolution provide for detailed standards for development of a specific use on a site. In no case, however, may uses be developed which are not permitted in **Chapter 3**, nor may development take place at a level of intensity greater than permitted in **Chapter 3** for the district in which the site is located.

#### 310 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:

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

than herein provided, or in any other manner be contrary to the provisions of this Resolution.

3. 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.

**311 A-1 AGRICULTURAL DISTRICT**

- A. The purpose and intent of this district is to create areas within the Township exclusively reserved for agricultural cultivation, very low density residential development, and other essentially non-urban activities, so that the basically rural character of these areas may be preserved and maintained.
- B. **PRINCIPAL PERMITTED USES:**
1. Agriculture;
  2. Residential, Single-family detached dwellings, including Modular Homes, more than (1/2 mile 2,640 ft. from a large confinement operation; see 311 Paragraph L); however, Mobile and Manufactured Homes are not permitted;
  3. Feedlots;
  4. Animal Confinement Facilities;
  5. Mobile and Manufactured Home Upgrade.
- C. **CONDITIONAL PERMITTED USES:**
1. Farm Vacation Enterprises;
  2. Recreation Camps;
  3. Recreation Facilities;
  4. Public Service Facilities;
  5. Roadside Stands;
  6. Cemeteries;
  7. Plant Material Nurseries;
  8. Kennels;
  9. Institutions;
  10. Veterinary Hospital or Clinic;
  11. Public and Quasi-public Facilities;
  12. Child Day Care Home;
  13. Home Occupation;
  14. Accessory Building Home Occupation.
  15. Residential, Single-family detached dwellings, including Modular Homes, less than (1/2 mile 2,640 ft. from a large confinement operation; see 311 Paragraph L); however, Mobile and Manufactured Homes are not permitted;
  16. Small Agricultural Business
  17. Communication Towers
- D. **PROHIBITED USES:**  
Uses which are not conducive to or lead to a more intensive land use than the above principal and conditional permitted uses are prohibited.
- E. **MINIMUM LOT AREA (EXCLUDING ROAD RIGHT-OF-WAY):**  
Two (2) acres. Required minimum lot area does not imply that this size lot is approved for development.
- F. **MINIMUM LOT WIDTH AND FRONTAGE:**  
250 ft.

**311 A-1 AGRICULTURAL DISTRICT (CONT.)**

**G. MINIMUM YARD SETBACKS (PRINCIPAL USE):**

Side 40 ft.  
Rear 40 ft.  
Front 80 ft. from road right-of-way

**H. MAXIMUM BUILDING HEIGHT:**

40 ft.

**I. MINIMUM GROUND FLOOR AREA (LIVING AREA):**

One thousand six hundred (1,600) square ft.

**J. REQUIRED OFF-STREET PARKING:**

Shall be provided for in accordance with **Chapter 8**.

**K. ACCESSORY USES:**

Accessory uses, buildings and structures customarily incidental to any use listed as a permitted principal or conditional use in **Section 311** shall be permitted, subject to the requirements of **Chapter 5**.

**L. DWELLINGS NEAR CONFINEMENT OPERATIONS**

Because of the special considerations that relate to confinement operations, all single family dwellings in the A-1 zoning district, which would be within one half mile (2,640 feet) of a large confinement operation building are deemed to be a conditional use. The term "large confinement operation" refers to facilities and operations that involve, or are designed to involve, more than 100 animal units as defined by the U.S.E.P.A.



**312 R-1 LOW DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT**

- A. The purpose and intent of this district is to create areas within the Township exclusively reserved for single-family residential development at a relatively low density on land which is vacant or in agricultural cultivation. When developed according to the regulations these areas will constitute sound residential developments and will remain semi-rural in character.
- B. **PRINCIPAL PERMITTED USES:**
1. Agriculture;
  2. Residential, Single-family detached dwellings, including Modular Homes; however, Mobile and Manufactured Homes are not permitted.
  3. Mobile and Manufactured Home Upgrade.
- C. **CONDITIONAL PERMITTED USES:**
1. Recreation Facilities;
  2. Public Service Facilities;
  3. Home Occupation.
  4. Public and Quasi-public Facilities;
  5. Minor and Major Class I Group Residential Facilities;
  6. Child Day Care Home.
- D. **PROHIBITED USES:**  
Uses which are not conducive to or lead to a more intensive land use than the above principal and conditional permitted uses are prohibited. No condos permitted.
- E. **MINIMUM LOT AREA (EXCLUDING ROAD RIGHTS-OF-WAY):**
- |                            |   |  |
|----------------------------|---|--|
| Single-family dwelling     | 2 | acres  |
| All other uses             | 2 | acres  |
| Group Residential Facility | 2 | acres per 3.5 persons capable of being housed at the facility or dwelling. |
- Required minimum lot area does not imply that this size lot is approved for development.
- F. **MINIMUM LOT WIDTH AND FRONTAGE:**  
250 ft.
- G. **MINIMUM YARD SETBACKS:**
- |       |                               |
|-------|-------------------------------|
| Side  | 30 ft.                        |
| Rear  | 30 ft.                        |
| Front | 60 ft. from road right-of-way |
- H. **MAXIMUM BUILDING HEIGHT:**  
40 ft.
- I. **MINIMUM GROUND FLOOR AREA (LIVING AREA):**  
One thousand six hundred (1,600) square ft.

**312 R-1 LOW DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT (CONT.)**

**J. REQUIRED OFF-STREET PARKING:**

Shall be provided for in accordance with **Chapter 8**.

**K. ACCESSORY USES:**

Accessory uses, buildings and structures customarily incidental to any use listed as a permitted principal or conditional use in **Section 312** shall be permitted, subject to the requirements of **Chapter 5**.

**L. EXCEPTIONS TO AGRICULTURAL ACTIVITIES:**

Dairying and animal and poultry husbandry are not allowable uses on lots greater than one acre but not greater than five acres when at least thirty-five percent of the lots in any platted subdivision approved under section 711.05, 711.09, or 711.10 of the Revised Code, or in a platted subdivision of fifteen or more lots approved under section 711.131 of the Revised Code 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 Revised Code. After thirty-five percent of the lots are so developed, dairying and animal and poultry husbandry shall be considered non-conforming uses of land and buildings or structures.

**313 R-2 MEDIUM DENSITY SINGLE-FAMILY & TWO-FAMILY RESIDENTIAL DISTRICT**

A. The purpose and intent of this district is to create areas within the township which can accommodate single-family and two-family residential development at a medium density level. It is the intent of this Resolution that these areas be reserved for single-family and two-family residential development which is basically urban in character.

B. **PRINCIPAL PERMITTED USES:**

1. Agriculture;
2. Residential, Single-family detached dwellings, including Modular Homes; however, Mobile and Manufactured Homes are not permitted;
3. Two-family dwellings and Condominiums (including Modular units);
4. Minor Class I Group Residential Facilities.
5. Mobile and Manufactured Home Upgrade.

C. **CONDITIONAL PERMITTED USES:**

1. Recreation Facilities;
2. Public Service Facilities;
3. Home Occupations;
4. Public and Quasi-public Facilities;
5. Child Day Care Home.

D. **PROHIBITED USES:**

Uses which are not conducive to or lead to a more intensive land use than the above principal and conditional permitted uses are prohibited.

E. **MINIMUM LOT AREA (EXCLUDING ROAD RIGHT-OF-WAY):**

Single-family dwelling	2	acres
Two-family dwelling	2	acres
All other uses	2	acres
Group Residential Facility	2	acres per 3.5 persons capable of being housed at the facility or dwelling.

Required minimum lot area does not imply that this size lot is approved for development.

F. **MINIMUM LOT WIDTH AND FRONTAGE:**

Single-family dwelling	250 ft.
Two-family dwelling	250 ft.

G. **MINIMUM YARD SETBACKS:**

Side 20 ft.\*

Rear 25 ft.

Front 40 ft. from road right-of-way\*\*

\* 40 ft. if adjacent to any other district than R-2

\*\* 50 ft. from State Highway right-of-way

**313 R-2 MEDIUM DENSITY SINGLE-FAMILY & TWO-FAMILY RESIDENTIAL DISTRICT (CONT.)**

- H. **MAXIMUM BUILDING HEIGHT:**  
40 ft.
  
- I. **MINIMUM GROUND FLOOR AREA (LIVING AREA):**  
Single-family 1,200 sq. ft.  
Two-family 1,800 sq. ft.
  
- J. **REQUIRED OFF-STREET PARKING:**  
Shall be provided for in accordance with **Chapter 8**.
  
- K. **ACCESSORY USES:**  
Accessory uses, buildings and structures customarily incidental to any use listed as a permitted principal or conditional use in **Section 313** shall be permitted, subject to the requirements of **Chapter 5**.
  
- L. **EXCEPTIONS TO AGRICULTURAL ACTIVITIES:**  
Dairying and animal and poultry husbandry are not allowable uses on lots greater than one acre but not greater than five acres when at least thirty-five percent of the lots in any platted subdivision approved under section 711.05, 711.09, or 711.10 of the Revised Code, or in a platted subdivision of fifteen or more lots approved under section 711.131 of the Revised Code 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 Revised Code. After thirty-five percent of the lots are so developed, dairying and animal and poultry husbandry shall be considered non-conforming uses of land and buildings or structures.

**314 R-3 MULTI-FAMILY RESIDENTIAL DISTRICT**

A. The purpose and intent of this district is to create areas within the Township exclusively reserved for multi-family residential uses. The areas so designated are to be developed with multi-family housing at sites strategically located with respect to highways, built-up or urbanized areas or special natural features, so that intensive development pressures may be reflected and area residents provided with a choice from a wide range of dwelling types.

**B. PRINCIPAL PERMITTED USES:**

1. Agriculture;
2. Two-family dwellings and Condominiums (including Modular units);
3. Multi-family dwellings and Condominiums (including Modular units);
4. Minor Class I Group Residential Facilities.
5. Mobile and Manufactured Home Upgrade.

**C. CONDITIONAL PERMITTED USES:**

1. Recreation Facilities;
2. Public Service Facilities;
3. Elderly Housing Facilities;
4. Nursing Homes;
5. Mobile or Manufactured Home Parks;
6. Home Occupations;
7. Group Residential Facilities (Major Class I and All Class II);
8. Rooming Houses;
9. Child Day Care Centers;
10. Public and Quasi-public Facilities;
11. Residential Retirement Communities.

**D. PROHIBITED USES:**

Uses which are not conducive to or lead to a more intensive land use than the above principal and conditional permitted uses are prohibited. In addition, no single-family detached dwellings are permitted.

**E. MINIMUM LOT AREA (EXCLUDING ROAD RIGHT-OF-WAY)**

Two-family	2 acres per dwelling unit
Multi-family dwellings, Rooming Houses, Nursing Homes, Elderly Housing Facilities and Group Residential Facility	2 acres per 3.5 persons capable of being housed at the facility or dwelling.
All other uses	2 acres.

Required minimum lot area does not imply that this size lot is approved for development.

**F. MINIMUM LOT WIDTH AND FRONTAGE:**

Two-family dwellings	250 ft.
Multi-family dwellings	250 ft.
All other uses	250 ft.

**314 R-3 MULTI-FAMILY RESIDENTIAL DISTRICT (CONT.)**

**G. MINIMUM YARD SETBACKS: (from road right-of-way)**

Side:	Two-family	15 ft. per side*
	Multi-family	15 ft. per side*
	All Other	20 ft. per side*
	* 40 ft. if adjacent to any district other than R-3	

Rear:	Two-family	25 ft.
	Multi-family	25 ft.
	All Other	30 ft.

Front: For ALL uses            40 ft. from road right-of-way\*  
    \* 50 ft. from State highway right-of-way

**H. MAXIMUM BUILDING HEIGHT:**

40 ft.

**I. MINIMUM GROUND FLOOR AREA (LIVING AREA):**

Two-family dwellings	1,400 sq. ft.
Multi-family dwellings:	
Efficiency units	None Allowed
One bedroom units	600 sq. ft.
Two bedroom units	700 sq. ft.
Three bedroom units	800 sq. ft.
Four or more bedroom units	950 sq. ft.

**J. REQUIRED OFF-STREET PARKING:**

Shall be provided for in accordance with **Chapter 8.**

**K. ACCESSORY USES:**

Accessory uses, buildings and structures customarily incidental to any use listed as a permitted principal or conditional use in **Section 314** shall be permitted, subject to the requirements of **Chapter 5.**

**L. EXCEPTIONS TO AGRICULTURAL ACTIVITIES:**

Dairying and animal and poultry husbandry are not allowable uses on lots greater than one acre but not greater than five acres when at least thirty-five percent of the lots in any platted subdivision approved under section 711.05, 711.09, or 711.10 of the Revised Code, or in a platted subdivision of fifteen or more lots approved under section 711.131 of the Revised Code 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 Revised Code. After thirty-five percent of the lots are so developed, dairying and animal and poultry husbandry shall be considered non-conforming uses of land and buildings or structures.

315 B-1 LOCAL BUSINESS DISTRICT

- A. The purpose and intent of this district is to create areas within the Township exclusively reserved for business uses which utilize relatively smaller amounts of land or space, do not require close proximity to major thoroughfares or heavy traffic volumes, and which may be located near residential areas with minimal amounts of buffering, landscaping, screening or other protections.
- B. **PRINCIPAL PERMITTED USES:**
1. Agriculture;
  2. Convenience Businesses;
  3. Office Businesses;
  4. Cemeteries;
  5. Child Day Care Centers.
- C. **CONDITIONAL PERMITTED USES:**
1. Clinics or Hospitals;
  2. Research Activities;
  3. Veterinary Hospitals or Clinics;
  4. Institutions;
  5. Recreation Facilities;
  6. Public Service Facilities;
  7. Public and Quasi-Public Facilities.
- D. **PROHIBITED USES:**  
Uses which are not conducive to or lead to a more intensive land use than the above principal and conditional permitted uses are prohibited. No residential dwelling units are permitted within a B-1 District.
- E. **MINIMUM LOT AREA (EXCLUDING ROAD-RIGHT-OF-WAY):**  
Without central or group sewer 2 acres  
Required minimum lot area does not imply that this size lot is approved for development.
- F. **MINIMUM LOT WIDTH AND FRONTAGE:**  
Without central or group sewer 250 ft.
- G. **MINIMUM YARD SETBACKS:**
- |       |  |
|-------|--|
| Side  | 20 ft. (But 40 ft. if adjacent to any residential use) |
| Rear  | 20 ft. (But 40 ft. if adjacent to any residential use) |
| Front | 40 ft. from road right-of-way *                        |
- \*50 ft. from State highway right-of-way or if adjacent to residential use
- H. **MAXIMUM BUILDING HEIGHT:**  
40 ft.
- I. **REQUIRED OFF-STREET PARKING**  
Shall be provided for in accordance with **Chapter 8.**

**315 B-1 LOCAL BUSINESS DISTRICT (CONT.)**

**J. ACCESSORY USES:**

Accessory uses, buildings and structures customarily incidental to any use listed as a permitted principal or conditional use in **Section 315** shall be permitted, subject to the requirements of **Chapter 5**.





**316 B-2 GENERAL BUSINESS DISTRICT (CONT.)**

**G. MINIMUM YARD SETBACKS:**

Side	20 ft. (But 50 ft. if adjacent to any residential use)
Rear	20 ft. (But 50 ft. if adjacent to any residential use)
Front	40 ft. from road right-of-way *

\*50 ft. from State highway right-of-way or if adjacent to residential use

**H. MAXIMUM BUILDING HEIGHT:**  
40 ft.

**I. REQUIRED OFF-STREET PARKING**  
Shall be provided for in accordance with **Chapter 8.**

**J. ACCESSORY USES:**  
Accessory Uses, buildings and structures customarily incidental to any use listed as a permitted principal or conditional use in **Section 316** shall be permitted, subject to the requirements of **Chapter 5.**

317 I-1 LIGHT INDUSTRIAL DISTRICT

- A. The purpose and intent of this district is to create areas within the Township exclusively reserved for light industrial uses which are relatively clean, quiet, free of objectionable or hazardous elements such as smoke or odor, contained within enclosed structures and generate little industrial traffic, but which would not be appropriate for location in a business or residential district.
- B. **PRINCIPAL PERMITTED USES:**
1. Agriculture;
  2. Light Manufacturing;
  3. Public Service Facilities;
  4. Wholesale and Warehouse Businesses;
  5. Storage Facilities.
- C. **CONDITIONAL PERMITTED USES:**
1. Food Processing Facilities;
  2. Research Activities;
  3. Institutions.
  4. Communication Towers
- D. **PROHIBITED USES:**  
Uses which are not conducive to or lead to a more intensive land use than the above principal and conditional permitted uses are prohibited. No residential dwelling units or retail business uses are permitted within an I-1 District.
- E. **MINIMUM LOT AREA (EXCLUDING ROAD-RIGHT-OF-WAY):**  
2 acres  
Required minimum lot area does not imply that this size lot is approved for development.
- F. **MINIMUM LOT WIDTH AND FRONTAGE:**  
250 ft.
- G. **MINIMUM YARD SETBACKS:**
- |       |  |
|-------|--|
| Side  | 20 ft. (But 50 ft. if adjacent to any residential use) |
| Rear  | 20 ft. (But 50 ft. if adjacent to any residential use) |
| Front | 50 ft. from road right-of-way *                        |
- \*110 ft. from State highway right-of-way or if adjacent to any residential use.
- H. **MAXIMUM BUILDING HEIGHT:**  
55 ft.
- I. **REQUIRED OFF-STREET PARKING**  
Shall be provided for in accordance with **Chapter 8.**

**317 I-1 LIGHT INDUSTRIAL DISTRICT (CONT.)**

**J. ACCESSORY USES:**

Accessory uses, buildings and structures customarily incidental to any use listed as a permitted principal or conditional use in **Section 317** shall be permitted, subject to the requirements of **Chapter 5**.

318 I-2 HEAVY INDUSTRIAL DISTRICT

- A. The purpose and intent of this district is to create areas within the Township exclusively reserved for heavy industrial uses which are generally major operations, require large sites and service areas and ready access to regional transportation, and normally generate some nuisances such as smoke and noise.
- B. PRINCIPAL PERMITTED USES:
1. Agriculture;
  2. Light Manufacturing;
  3. Heavy Manufacturing;
  4. Public Service Facilities;
  5. Storage Facilities;
  6. Food Processing Facilities;
  7. Wholesale and Warehousing Businesses;
  8. Research Activities.
- C. CONDITIONAL PERMITTED USES:
1. Communication Towers
- D. PROHIBITED USES:  
Uses which are not conducive to or lead to a more intensive land use than the above principal and conditional permitted uses are prohibited. No residential dwelling units or retail business uses are permitted within the I-2 District.
- E. MINIMUM LOT AREA (EXCLUDING ROAD-RIGHT-OF-WAY):  
2 acres  
Required minimum lot area does not imply that this size lot is approved for development.
- F. MINIMUM LOT WIDTH AND FRONTAGE:  
250 ft.
- G. MINIMUM YARD SETBACKS:
- |       |  |
|-------|--|
| Side  | 20 ft. (But 50 ft. if adjacent to any residential use) |
| Rear  | 20 ft. (But 50 ft. if adjacent to any residential use) |
| Front | 50 ft. from road right-of-way *                        |
- \*110 ft. from State highway right-of-way, or if adjacent to any residential use.
- H. MAXIMUM BUILDING HEIGHT:  
55 ft.
- I. REQUIRED OFF-STREET PARKING:  
Shall be provided for in accordance with **Chapter 8**.

**318 I-2 HEAVY INDUSTRIAL DISTRICT (CONT.)**

**J. ACCESSORY USES:**

Accessory Uses, buildings and structures customarily incidental to any use listed as a permitted principal or conditional use in **Section 318** shall be permitted, subject to the requirements of **Chapter 5**.

**319 ME MINERAL EXTRACTION DISTRICT**

- A. The purpose and intent of this district is to create limited areas within the Township exclusively reserved for mineral extraction and its associated activities.
- B. **PRINCIPAL PERMITTED USES:**
  - 1. Agriculture;
  - 2. Extractive Manufacturing.
- C. **CONDITIONAL PERMITTED USES:** None
- D. **PROHIBITED USES:** Any use other than extractive manufacturing or agricultural is prohibited.
- E. **EXTRACTIVE MANUFACTURING STANDARDS:**

Extractive manufacturing operations shall be conducted so as not to be detrimental to surrounding properties, and shall be in accordance with the following standards:

  - 1. All equipment used in these operations shall be constructed, maintained and operated in such a manner as to eliminate, so far as practicable, noise, vibration or dust.
  - 2. No mining, quarrying, or gravel or sand extraction shall be permitted nearer than fifty (50) feet from any boundary of property being utilized for such use.
  - 3. In order to ensure 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 and 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 for an existing or platted street, road or highway, where officially approved by the Zoning Administrator.
  - 4. All excavations of gravel or sand shall either be made to a water-producing depth plus five feet, or graded and/or backfilled with non-noxious and nonflammable solids to assure:
    - a. That the excavated area will not collect or 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 to substantially conform with the contours of the surrounding area.

5. The banks of all excavations not backfilled shall be sloped to the water line at a grade of not less than two feet horizontally to one foot vertically, and such banks shall be sodded or surfaced with at least six 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 from the gravel pits, and shall be sloped, graded and seeded as herein provided.
6. Whenever the floor of a quarry is more than five 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 six foot or higher mound of earth planted with suitable dense plantings or other material sufficient to prevent persons from trespassing thereon. Such barrier shall be located at least twenty-five (25) feet from any street, road highway or boundary of the quarry property.
7. All quarrying, blasting, drilling or mining shall be carried out in such a manner and on such a scale as to minimize dust, noise and vibrations.
8. When any quarrying has been completed, any excavated area shall either be left as a permanent spring-fed lake or its bottom floor graded to prevent the collection and stagnation of water and provide proper drainage without excessive soil erosion. Said floor if graded 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 six foot or higher mound of earth planted with a double row of multiflora rose bush or other equally effective planting.



**320 REC RECREATION DISTRICT**

- A. The purpose and intent of this district is to create areas within the township which can accommodate recreational and residential development, as well as related commercial-recreational activities, so that basic recreational and residential values may be maintained and enhanced.
- B. **PRINCIPAL PERMITTED USES:**
1. Agriculture;
  2. Residential, Single-family detached dwellings, including Modular Homes; however, Mobile and Manufactured Homes are not permitted.
- C. **CONDITIONAL PERMITTED USES:**
1. Recreation Facilities;
  2. Recreation Camps;
  3. Public Service Facilities;
  4. Farm Vacation Enterprises;
  5. Home Occupations;
  6. Mobile or Manufactured Home Parks;
  7. Convenience Businesses;
  8. Automotive, Mobile Home, Recreational Vehicle and Farm Implement Sales.
- D. **PROHIBITED USES:**  
Uses which are not conducive to or lead to a more intensive land use than the above principal and conditional permitted uses are prohibited.
- E. **MINIMUM LOT AREA (EXCLUDING ROAD RIGHT-OF-WAY):**
- |                        |         |
|------------------------|---------|
| Single-family dwelling | 2 acres |
| All other uses         | 2 acres |
- Required minimum lot area does not imply that this size lot is approved for development.
- F. **MINIMUM LOT WIDTH AND FRONTAGE:**  
250 ft.
- G. **MINIMUM YARD SETBACKS:**
- |       |  |
|-------|--|
| Side  | 40 ft. Per side                          |
| Rear  | 40 ft.                                   |
| Front | 80 ft. from road right-of-way*           |
|       | *100 ft. from State highway right-of-way |
- H. **MAXIMUM BUILDING HEIGHT:**  
35 ft.
- I. **MINIMUM FLOOR AREA (LIVING AREA):**
- |                |                      |
|----------------|----------------------|
| Single-family  | 1,200 sq. ft.        |
| All other uses | No minimum standard. |

**320 REC RECREATION DISTRICT (CONT.)**

**J. REQUIRED OFF-STREET PARKING:**

Shall be provided for in accordance with **Chapter 8**.

**K. ACCESSORY USES:**

Accessory uses, buildings and structures customarily incidental to any use listed as a permitted principal or conditional use in **Section 320** shall be permitted, subject to the requirements of **Chapter 5**.

**CHAPTER 4**  
**SUPPLEMENTARY DISTRICT REGULATIONS**

**SECTION:**

**400 General**

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

**401 Conversions of Dwellings to More than One Unit**

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

1. The conversion is in compliance with all other relevant codes and resolutions;
2. The district within which the residence is located is so regulated as to allow such an increase in dwelling units;
3. The yard dimensions still meet the yard dimensions required by the zoning regulations for new structures in that district;
4. The lot area per family equals the lot area requirements for new structures in that district;
5. The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district.

**402 Principal Building Per Lot**

No more than one principal building or structure may be constructed upon any one lot. Rear dwellings shall be prohibited and shall be considered nonconforming uses subject to the requirements of **Chapter 9** of this Resolution.

**403 Reduction of Area or Space**

No lot, yard, parking area or other space shall be reduced in area or dimension below the minimum required by this Resolution. Nothing in this Section shall be interpreted to limit the power of the Board of Zoning Appeals in the granting of variances under this Resolution.

**404 Construction in Easements**

Easements for installation, operation and maintenance of utilities and drainage facilities are reserved as shown on each plat or otherwise established. No permanent building or structure shall be placed or permitted within these easements which may damage or interfere with the installation, operation and maintenance of such utilities, or which may change the normal direction of flow of drainage channels within the easement. The easement area and any improvements within it shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or a utility is responsible.

**405 Parking and Storage of Vehicles and Trailers**

No commercial vehicles or semi-trailers shall be parked or stored on any property within a residential or agricultural zoning district other than in a completely enclosed building, except those commercial vehicles conveying necessary tools, materials and equipment to premises where labor using such tools, materials and equipment is to be performed during the actual time of parking. However, commercial cars, station wagons, pick-up trucks, vans and utility vehicles, used personally by a resident of the premises in connection with employment, may be parked in areas provided in **Chapter 8**, or on public streets when allowed. No automotive vehicles or trailers of any type without current license plates shall be parked or stored on any residential property other than in a completely enclosed building. One unoccupied recreational vehicle may be stored in the rear or side yard of a residential zoned property if it has a current license or registration and otherwise meets the requirements of this Resolution.

**406 Required Refuse Collection Areas**

Areas used in any commercial, industrial or multifamily residential districts for the collection of trash, garbage and other refuse shall be enclosed on three sides by a solid wall or fence at least four feet in height, or within an enclosed building or structure. Provision shall be made for regular and adequate vehicular access to such areas for collection purposes. The following requirements shall also be met:

1. The storage of hazardous or toxic materials or wastes shall not be permitted without documented approval of the Ohio Environmental Protection Agency.
2. Materials or waste which might cause fumes or dust, constitute a fire hazard, or attract rodents or insects shall be stored only in closed containers constructed of impervious materials.
3. Storage areas in residential districts shall utilize such additional screening as is required by this Resolution.

**407 Junk**

The accumulation or storage of junk or junk motor vehicles shall be prohibited, except in an approved junk yard.

**408 Public or Club Pool Principal Use Requirements**

Any public or club pool which is a principal use must also meet accessory use requirements as set forth in **Section 533**.

**409 Mobile and Manufactured Homes Prohibited for Office, Business or Industrial Uses**

Mobile and Manufactured Homes shall be used only for residential purposes and are not permitted to be used for office, business, industrial or any other purposes. However, industrialized or modular units may be used for non-residential purposes.

#### **410 Supplemental Yard and Height Regulations**

In addition to the regulations specified in **Chapter 3** and other Sections of this Resolution, the following standards shall be used where necessary for clarification and interpretation of yard and height regulations:

1. The principal building and any accessory structure located on any corner lot shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.
2. No fence or wall higher than three feet shall be permitted in a front yard. No fence or wall (other than those surrounding public or club swimming pools) higher than six feet shall be permitted in side or rear yards.
3. Each multi-family dwelling shall be considered one building for the purpose of determining front, side and rear yard requirements.
4. The height limitations contained in the District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy, except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport.
5. Open structures such as porches, canopies, balconies, platforms, carports, covered patios and similar architectural projections shall be considered parts of the building to which they are attached and shall not project into the required minimum front, side or rear yard.
6. In the event a lot is located on a cul-de-sac, the minimum lot frontage may be reduced 25%, however, the minimum lot width requirement shall not be reduced.

#### **417 Visibility at Intersections**

Nothing shall be installed, erected, placed, planted or allowed to grow in the triangular space between the intersection of two streets in such a manner as to materially impede vision between a height of two and one half feet and ten (10) feet above the center line grades of such streets along their right-of-way lines fifty (50) feet from the point of such intersection. At the intersection of two alleys or of an alley and a street, nothing shall be installed, erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of two and one half feet and ten (10) feet above the centerline grades of such alleys, or of such alley and street, along their right-of-way lines, twenty-five (25) feet from the point of intersection.

**420 Objectionable, Noxious or Dangerous Uses, Practices or Conditions**

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

1. The use or storage of flammable or explosive materials is not adequately protected by fire-fighting and fire-protection equipment or by such safety devices as are normally required for such activities;
2. Activities involving flammable or explosive materials are not removed from adjacent facilities or activities to a distance compatible with the potential danger involved;
3. Radioactivity, air or water pollution or hazardous waste exists in violation of the regulations of the Ohio Environmental Protection Agency;
4. Vibration, loud or objectionable noises, or noxious odors, reasonably discernible by the Zoning Administrator, are noticeable on an adjoining lot or property;
5. Direct or reflected glare is present which is visible from any street or from any property not within a manufacturing district;
6. Erosion caused by wind or water is carrying objectionable substances onto any adjacent lot or property;

**421 Assurance Requirements and Plans**

Before issuing a zoning permit the Zoning Administrator may require the submission of written assurances and plans indicating the manner in which dangerous and objectionable aspects of certain uses are to be eliminated or reduced to acceptable limits.

**430 Temporary Uses**

Certain uses otherwise prohibited within given zoning districts may be temporarily allowed as described below. At least seven days before the instigation of each such use an application for a temporary zoning permit shall be made to the Zoning Administrator. The application shall contain a graphic description of the property to be used, a description of the proposed use, and a site plan, with sufficient information to determine the yard, setback, parking and sanitary facility requirements for the proposed temporary use.

430 Temporary Uses (CONT.)

The following uses are deemed to be temporary and shall be subject to the following specified regulations and time limits:

1. Real estate subdivision sales offices on the premises of any new subdivision shall be permitted within any district for a maximum period of one year. Not more than two six-month extensions may be granted if conditions warrant. Such offices shall be removed upon the completion of sales of such lots or upon the expiration of the initial zoning permit or any extension, whichever first occurs.
2. Temporary buildings, offices, and equipment and storage facilities required in conjunction with construction activity may be permitted for such activity within any district for a period of one year. Six-month extensions may be granted if construction is substantially underway but not completed. Such uses shall be removed immediately upon completion of the construction or upon expiration of the zoning permit, whichever first occurs.
3. Temporary sales and services may be permitted within parking areas in any business district. A temporary zoning permit, valid for a period not to exceed four consecutive days, shall be issued no more than three times within any twelve-month period to any individual or organization. The application for the temporary zoning permit shall be accompanied by written permission of the property owners, and the permit shall be prominently displayed at the site. The Zoning Administrator shall not issue a permit for such temporary use if he or she determines that it encroaches upon more than twenty-five (25) percent of the required parking area.
4. Temporary retail sales and services, such as sales of plants, flowers, arts and crafts, farm produce or similar items, on lots other than parking lots, including any lot on which an existing business is operating or on which a business is vacated, may be permitted in any commercial district. A zoning permit valid for a period not to exceed two consecutive days shall be issued no more than three separate times for any particular lot within any twelve-month period, and only one permit may be issued for the same time at any one lot. The applicant must submit a current or transient vendor's license and a written statement of permission from the property owner. The zoning permit shall be prominently displayed at the site. This Section shall not be interpreted to prohibit any use specifically authorized by a valid covenant or deed restriction.

**430 Temporary Uses (CONT.)**

5. Temporary sales of farm products produced on the property by an individual or family may be permitted within an **A-1 District** for a period not to exceed one month per calendar year without a zoning permit, so long as the provisions of this Resolution pertaining to signs and parking are observed. For longer periods a zoning permit shall be required. However, in no case shall a permit be issued for more than five months within a calendar year.
6. Garage sales, yard sales, barn sales and similar activities may be permitted within any district in which dwellings are permitted. A maximum of two such sales of not more than three consecutive days each shall be permitted during any twelve-month period without a zoning permit, so long as the provisions of this Resolution pertaining to signs and parking are observed.

**440 Screening**

Screening or buffering in compliance with the provisions of this Section shall be provided for any permitted or conditionally permitted non-residential uses which abut any residential use. Applicants for a zoning permit may request a variance from yard or setback requirements in conjunction with a plan for screening, which the Board of Zoning Appeals may consider by weighing the relationship of the proposed screening plan and the requested dimensional variance with respect to their combined impact upon neighboring properties. Such a variance for a conditionally permitted use shall be incorporated in the conditional use procedure specified in **Chapter 6** of this Resolution. The following provisions shall apply with respect to screening:

1. Screening shall be provided for one or more of the following purposes:
  - a. A visual barrier to partially or completely obstruct the view of structures or activities;
  - b. An acoustic screen to aid in absorbing or deflecting noise;
  - c. A physical barrier to contain and conceal debris and litter.
2. Screening may consist of one or more of the following as determined by the Zoning Administrator for a principal use, or the Board of Zoning Appeals in the event of an appeal, variance or conditional use:
  - a. A solid masonry wall;
  - b. A solid decorative fence;
  - c. A louvered fence;
  - d. A dense vegetative planting;
  - e. A landscaped mound.



**440 Screening (CONT.)**

3. Visual screening shall be at least five and one-half feet high, except in front yards, where maximum height shall not exceed three feet. Junkyards and similar facilities, however, shall maintain a minimum screened height of five and one-half feet throughout. Plantings shall be at least three feet in height at the time of planting and, other than as provided for front yards, shall have a mature height of at least five and one-half feet.
4. Buffering for purposes of absorbing or deflecting noise shall have a thickness of a least fifteen (15) feet of dense planting or a solid masonry wall in combination with decorative plantings. The height shall be adequate to absorb noise as determined by the Zoning Administrator or Board of Zoning Appeals in relation to the nature of the use.
5. Whenever required screening is adjacent to parking areas or driveways, such screening shall be protected by bumper blocks, posts or curbing.
6. All screening shall be trimmed and maintained in good condition and free of advertising or other signs, except for directional and other signs for the efficient flow of vehicles.

**441 Drainage**

All drainage, storm and sanitary, for lots, building, etc. must conform to Shelby County Soil and Water standards, Shelby County storm water regulations, and Shelby County Health Department regulations

**CHAPTER 5  
ACCESSORY USES**

**SECTION:**

**500 Purpose**

The purpose of this Chapter is to regulate accessory uses in order to promote the public health, safety and welfare. It is the intent of this Chapter to permit such uses to be established and maintained in a manner which makes them compatible with principal uses and harmonious with uses upon adjacent properties.

**503 Structures**

Except as otherwise provided in this Resolution, an accessory structure shall be permitted in association with a principal use or structure if the following requirements are met:

1. Its area shall not be more than two and one-half (2 1/2) percent of the gross lot area;
2. It shall not contain or be used as a dwelling unit;
3. It shall not exceed eighteen (18) feet in height;
4. It shall meet the following yard requirements:
  - a. Side Yard: 10 feet;
  - b. Rear Yard: 10 feet;
  - c. Front Yard: No nearer to front line than the principal use or structure.

**510 Family Conversion**

Notwithstanding the provisions of Subsection 2 of Section 401 of this Resolution, an owner-occupied single-family dwelling unit may be converted to allow for the incorporation of one additional dwelling unit for the exclusive occupancy of a family household, at least one member of which shall be a person related to the owner of the single-family dwelling unit. Such accessory family conversion unit shall be wholly contained within the existing principal building or attached to it by a common wall, floor or ceiling. The application for the zoning permit for such conversion shall be accompanied by an affidavit attesting to compliance with provisions of this Section.

**520 Retail Sales and Services**

Retail sales and services are permitted as accessory uses when clearly incidental to a principal use. A retail accessory use is permitted in a district only when such use is also allowable as a principal permitted or conditional use.

**530 Regulation of Swimming Pool as Accessory Use**

Sections 530 to 533 inclusive shall apply to the location and maintenance of a swimming pool which is constructed, operated or maintained as an accessory use.

**532 Private Swimming Pool**

A private swimming pool shall be allowed in any residential or commercial district if it complies with the following requirements:

1. It may not be located in the required front yard or closer than twelve (12) feet to any property line or easement.
2. It shall be walled or fenced in such a manner as to prevent uncontrolled access. Such wall or fence shall be not less than three feet nor more than six feet in height, shall be maintained in good condition and shall have an operable, self-latching gate.

These requirements shall not apply to a portable swimming pool with a diameter of less than twelve (12) feet or an area of less than one hundred (100) square feet.

**533 Public or Club Swimming Pool**

An outdoor public or club swimming pool shall comply with the following requirements:

1. The pool and accessory structures thereto, including the area used by the bathers, shall not be located within seventy-five (75) feet of any property line or easement;
2. The entire pool facility shall be walled or fenced and secured to prevent uncontrolled access. Such wall or fence shall be at least six feet in height and maintained in good condition. The area surrounding the enclosure and not used for parking spaces shall be suitably landscaped;
3. Exterior lighting shall be so shaded or directed that it does not cast light directly upon adjacent properties;
4. The facility shall not be open prior to 7 a.m. or after 12 p.m.

**534 Non-agricultural Ponds**

Non-agricultural ponds shall be allowed in any district if it complies with the following:

1. It may not be located closer than forty (40) feet to any side and rear yard, and may not be located in the required front yard setback.
2. All construction of the pond must meet the regulations of the Shelby County Soil & Water District.

This requirement shall not apply to a non-agricultural pond with a diameter of less than twelve (12) feet or an area of less than one hundred (100) square feet.

## CHAPTER 6

### CONDITIONAL USE PERMITS AND SUBSTANTIALLY SIMILAR USES

#### SECTION:

#### 600 General

The provisions of this Chapter apply to the location and maintenance of conditional uses. The Board of Zoning Appeals has original jurisdiction relative to such uses.

#### 601 Purpose

The characteristics and impacts of an ever-increasing number of new and unique uses, together with the broadening of numerous conventional uses, have fostered the development of more flexible regulations designed to accommodate such activities in a reasonable and equitable manner, while safeguarding property rights and the health, safety and general welfare of the community. This Resolution provides for more detailed evaluation of each use conditionally permissible in a specific district with respect to location, design, size, methods of operation, intensity of use, public facilities requirements and traffic generation. Accordingly, conditional use permits shall conform to the procedures and requirements of this Resolution.

#### 610 Content of Conditional Use Application

An application for a conditional use shall be filed with the Zoning Administrator, who shall within seven days transmit it to the Board of Zoning Appeals. Such application shall be accompanied by an established fee and shall contain:

1. The name, address and phone number of the applicant, and of the owner if not the applicant;
2. The legal description of the property;
3. The zoning district in which the property is located;
4. A description of planned or existing uses;
5. A description of proposed conditional uses;
6. A plan of the proposed site, showing the location of all buildings, parking and loading areas, streets and traffic accesses, open spaces, refuse and service areas, utilities, signs, yards, landscaping features, and such other information as the Board may require;
7. A narrative statement discussing the compatibility of the proposed use with the existing uses of adjacent properties, including an evaluation of the effects on adjoining properties of such elements as traffic circulation, noise, glare, odor, fumes and vibration, and addressing each of the applicable criteria contained in **Section 620**;
8. A list containing the names and mailing addresses of all owners of property within five hundred (500) feet of the property;

**620 General Standards For All Conditional Uses**

The Board shall review the particular facts and circumstances of each proposed conditional use, and must find that such use at the proposed location:

1. Is in fact a conditional use as established under the provisions of **Chapter 3** for the zoning district involved;
2. 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 will not change the essential character of the same area;
3. Will not be hazardous or disturbing to existing or future neighboring uses;
4. Will be served adequately by essential public facilities and services, or that the persons or agencies responsible for the proposed use will adequately provide such services;
5. 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;
6. Will not involve uses, activities, processes, materials, equipment or conditions of operation detrimental to persons, property or the general welfare by reason of excessive traffic, noise, smoke, fumes, glare, lighting or odors;
7. Will have vehicular approaches to the property so designed as to not interfere with traffic on surrounding public thoroughfares;
8. Will not result in the destruction, loss, or damage of natural, scenic or historic features.

**630 Specific Criteria For Conditional Uses**

The following are specific conditional use criteria and requirements for those uses conditionally permitted in this Resolution as provided for in **Chapter 3**. Nothing in this Section shall prohibit the Board of Zoning Appeals from prescribing in accordance with this Chapter supplementary conditions and safeguards in addition to these requirements:

1. Public Service Facility (A-1, R-1, R-2, R-3, B-1, B-2, REC)
  - a. All permanent buildings shall be so constructed and designed as to conform with the building design of existing uses in the district.
  - b. Screening shall be required to buffer any structures from adjacent residential uses. A screening plan shall be submitted to the Board of Zoning Appeals for approval (see **Section 440**).

**630 Specific Criteria For Conditional Uses (CONT.)**

- c. Electrical or mechanical equipment which creates visible or audible interference in radio or television receivers or which creates noise not normally associated with the district in which such uses are located shall be prohibited.

**2. Cemetery (A-1)**

- a. The site shall have direct access to a thoroughfare which the Board of Zoning Appeals determines is adequate to serve the size of the facility proposed.
- b. The site shall contain not less than twenty-five (25) acres.
- c. No building, including but not limited to mausoleums and maintenance buildings, shall be located within one hundred (100) feet of any property line.
- d. All graves or burial lots shall be set back not less than fifty (50) feet road right-of-way and ten (10) feet from any property line.

**3. Veterinary Hospital or Clinic or Kennel (A-1, B-1)**

- a. Outdoor pens and exercise runs shall be kept in a clean and sanitary condition and shall be screened from public view. A screening plan shall be submitted to the Board of Zoning Appeals for approval (see **Section 440**).
- b. Sanitation practices shall be adequate to assure that objectionable odors shall not be noticeable on or off the lot under various wind conditions.
- c. Structures and buildings shall be designed so as to minimize noise and ensure proper management of animals in outdoor exercise runs.

**4. Child Day Care Center (R-3) and Child Day Care Home (A-1, R-1, R-2)**

- a. Outdoor playgrounds, tot lots and exercise areas shall be fully enclosed by a fence, the height and design of which shall be approved by the Board of Zoning Appeals.
- b. The applicant shall submit a parking and traffic circulation plan to the Board of Zoning Appeals for approval. The parking areas and vehicular approaches shall be so located, designed and surfaced as to promote safety and minimize congestion and impact on the residential character of the neighborhood. The plan shall provide for the separation of incoming and outgoing vehicles during high volume periods and shall provide a safe drop-off point for children which will not impede other traffic.

630 Specific Criteria For Conditional Uses (CONT.)

5. Club and Entertainment Facility (B-2)

- a. The site shall have direct access to a major thoroughfare adequate to serve the size of the proposed facility.
- b. All permanent buildings shall be so constructed and designed as to conform with the building design of existing uses in the district.
- c. Screening shall be required to buffer any structures from adjacent residential uses. A screening plan shall be submitted to the Board of Zoning Appeals for approval (see Section 440).
- d. The applicant shall submit a parking and traffic circulation plan to the Board of Zoning Appeals for approval. The parking areas and vehicular approaches shall be so located, designed and surfaced as to promote safety and minimize congestion and impact on the residential character of the adjacent neighborhood. The plan shall provide for the separation of incoming and outgoing vehicles during high volume periods and ensure that the traffic generated by the proposed facility will not impede other traffic.

6. Recreation Facility, Farm Vacation Enterprise, Recreation Camp, Feedlot, Animal Confinement Facility and Plant Material Nursery (A-1, R-1, R-2, R-3, B-1, I-1, REC)

- a. The site shall have direct access to a thoroughfare adequate to serve the size of the facility proposed.
- b. All permanent buildings shall be so constructed and designed as to conform with the building design of existing uses in the district. Buildings shall be set back from any adjacent residential property line a minimum of fifty (50) feet.
- c. Screening shall be required to buffer structures from adjacent residential uses. A screening plan shall be submitted to the Board of Zoning Appeals for approval (see Section 440).
- d. The proposed use shall not create any noxious, offensive or dangerous situation by reason of odor or any other element which may adversely affect individuals within or adjacent to the proposed use, except for reasonable agriculturally-related elements.

**630 Specific Criteria For Conditional Uses (CONT.)**

- e. The applicant shall submit a parking and traffic circulation plan to the Board of Zoning Appeals for approval. The parking areas and vehicular approaches shall be so located, designed and surfaced as to promote safety and minimize congestion and impact on the residential character of the adjacent neighborhood. The plan shall provide for the separation of incoming and outgoing vehicles during high volume periods and ensure that traffic generated by the proposed facility will not impede other traffic.

**7. Home Occupation (A-1, R-1, R-2, R-3, REC)**

- a. Only members of the immediate family occupying the dwelling unit shall be employed in such occupation, or immediate family members living elsewhere.
- b. The home occupation use of the dwelling unit shall be clearly incidental and subordinate to its residential use, and not more than twenty-five percent (25%) of the total floor area of the dwelling unit shall be used in the conduct of the home occupation. No structure other than the principal residential dwelling shall be utilized for the home occupation.
- c. There shall be no change in the outside appearance of the premises, or other visible evidence of such home occupation; however, one sign not exceeding two square feet in area, non-illuminated, and mounted flat against the wall of the residence, shall be permitted.
- d. No electrical or mechanical equipment except that of a power and type used for domestic or household purposes shall be permitted unless authorized by the Board. The Board may limit the hours of operation of such equipment or machinery. Electrical or mechanical equipment which creates visible or audible interference in radio or television receivers, fluctuation in line voltage outside the dwelling unit or noise not normally associated with residential uses shall be prohibited.
- e. Such use may not cause offensive noise, vibration, smoke or other particulate matter, odors, heat, humidity, glare or other emanations outside the premises.
- f. No display of products shall be visible from the street.
- g. There shall be no outside storage of any kind related to the use.
- h. No more than one additional parking space shall be created in conjunction with the home occupation unless otherwise authorized by the Board of Zoning Appeals. No space shall be located in the required front yard.



8. Clinic or Hospital, Research Activity or Institution (B-1)

- a. The site shall not be located on local streets unless so authorized by the Board of Zoning Appeals. Traffic created by the use should minimize disruption of any established residential neighborhood.
- b. All permanent buildings shall be so constructed and designed as to conform with the building design of existing uses in the district.
- c. Proposed buildings located within five hundred (500) feet of any residential dwelling shall not exceed five thousand (5,000) square feet in total area. No building shall exceed twenty thousand (20,000) square feet in total area.
- d. Screening shall be required to buffer structures from adjacent residential uses. A screening plan shall be submitted to the Board of Zoning Appeals for approval (see Section 440).
- e. The applicant shall submit a parking and traffic circulation plan to the Board of Zoning Appeals. The parking areas and vehicular approaches shall be so located, designed and surfaced as to promote safety and minimize congestion and impact upon the character of adjacent residential neighborhoods. The plan shall provide for the separation of incoming and outgoing vehicles during high volume periods and ensure that the traffic generated by the proposed facility will not impede other traffic.
- f. The proposed use may not create conditions potentially harmful or dangerous to any adjacent properties.

9. Institution or Research Activity (A-1, B-2)

- a. The proposed use may not involve an activity which presents an immediate or foreseeable danger to individuals working within or utilizing the services offered by adjacent enterprises. It may not create any hazardous, harmful, noxious, offensive or otherwise dangerous situation by reason of smoke, odor, glare, heat or any other element which may adversely affect individuals within or adjacent to the proposed use.
- b. The site shall have direct access to a major thoroughfare adequate to serve the size of the proposed facility.
- c. Buildings shall be set back a minimum of fifty (50) feet from any adjacent residential property line .

630 **Specific Criteria For Conditional Uses (CONT.)**

- d. Screening shall be required to buffer structures from adjacent residential uses. A screening plan shall be submitted to the Board of Zoning Appeals for approval (see **Section 440**).
10. Elderly Housing Facility, Nursing Home or Rooming House (R-3)
    - a. All permanent buildings shall be so constructed and designed as to conform with the building design of existing uses in the district.
    - b. A screening plan for buildings exceeding five thousand (5,000) square feet in total area and located adjacent to residential dwellings shall be submitted to the Board of Zoning Appeals for approval (see **Section 440**).
    - c. The proposed use shall not pose any unsanitary, unhealthy, unsafe, criminal, or otherwise undesirable risks. The facility shall not permit residents to loiter outside the property limits on which it is located.
  11. Roadside Stand (A-1)
    - a. The use shall not be permitted for more than five months per calendar year.
    - b. The applicant shall submit a parking plan to the Board of Zoning Appeals. The parking areas and vehicular approaches shall be so located as to promote safety, and minimize congestion and impact on the neighborhood. The plan shall ensure that the traffic generated by the proposed facility will not impede other traffic.
  12. Mobile or Manufactured Home Park (R-3), REC
    - a. The applicant must apply for and obtain a license from the Ohio Department of Health while applying for and obtaining a conditional use permit.
    - b. The applicant must file a site development plan containing the following:
      - i. Proposed site size, location, and number and size of lots;
      - ii. Proposed vehicular and pedestrian circulation and parking areas;
      - iii. Proposed location and use of non-residential portions of the site, including park lands and usable open spaces;
      - iv. Proposed provisions for fire and rescue protection, water supply, sanitary sewer and surface drainage facilities, including engineering feasibility studies or other evidence of reasonableness;

630 Specific Criteria For Conditional Uses (CONT.)

- v. Proposed deed restrictions, covenants, easements and encumbrances designed to control the use, development and maintenance of the site.
- c. The proposed site shall consist of not less than ten (10) acres of land.
- d. Each lot shall have an area of not less than five thousand (5,000) square feet, and the site shall contain a density of not more than five units per acre.
- e. Each mobile or manufactured home dwelling, including accessory buildings, garages and porches, shall not cover more than fifty percent (50%) of each lot.
- f. Each dwelling shall meet the following standards:
  - i. A total ground floor area of not less than seven hundred (700) square feet, measured from the outside of exterior walls and, including utility rooms but excluding open porches, breezeways and garages;
  - ii. A height not exceeding fifteen (15) feet;
  - iii. A permanent attachment to the ground by at least four anchors and tie-downs;
  - iv. Support by a concrete slab designed to carry such load. The slab dimensions shall be at least equal to the width and length of the dwelling; however, two eighteen (18) inch wide slabs equal to the length of the dwelling may be used in place of a single slab. Each slab shall be at least six inches thick;
  - v. Complete skirting within sixty (60) days of placement.
- g. Each dwelling shall have the following yard requirements:
  - i. Front: ten (10) feet;
  - ii. Side: fifteen (15) feet;
  - iii. Rear: fifteen (15) feet.

- h. Streets, Sidewalks and Parking:
  - i. Each dwelling shall have a driveway at least twenty-five (25) feet wide;
  - ii. All interior streets shall have a minimum right-of-way width of fifty (50) feet, and shall meet the standards of the County Engineer;
  - iii. Each dwelling shall abut a paved street, and such street shall be lighted at night;
  - iv. There shall be a minimum of two off-street parking spaces per dwelling.
- i. The following communal facilities shall be provided to all park residents:
  - i. Management and maintenance offices, including storage facilities for grounds-keeping equipment;
  - ii. Laundry and drying facilities in a permanent structure which shall be commonly accessible and shall provide laundry trays and slop sinks;
  - iii. One or more recreation areas conveniently located and containing in total size not less than eight percent (8%) of the gross area of the park or one acre, whichever is greater.
- j. The following utilities shall be required:
  - i. Drinking Water - a water system inspected and approved by the appropriate governmental entity, providing adequate pressure with appropriate water connections for domestic usage;
  - ii. Fire Protection - Fire extinguishers as specified in the regulations of the Ohio Department of Health;
  - iii. Sanitary Sewer - A disposal system, inspected and approved by the appropriate governmental entity, with adequate sewage connections for mobile home usage. Connection between storm drainage systems and sewage disposal systems shall not be permitted;
  - iv. Storm Drainage - Drainage, adequate for each lot and connected to the main storm water drainage system, inspected and approved by the appropriate governmental entity;

630 Specific Criteria For Conditional Uses (CONT.)

- v. Garbage and Refuse Storage - The storage and collection of garbage and refuse, 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, located no more than two hundred (200) feet from each lot and approved by the appropriate governmental entity;
  - vi. Liquefied Petroleum Gas (if used) - Liquefied petroleum gas containers of the type approved by the Interstate Commerce Commission, and integrally attached to the mobile home in a manner approved by the Liquefied Petroleum Gas Association or other appropriate governmental entity;
  - vii. Fuel Oil (if used) - Fuel oil systems 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 mobile homes shall be securely fastened in place and protected against physical damage;
  - viii. Electricity - Adequate electrical service for each mobile home dwelling;
  - ix. Natural Gas System (if used) - Natural gas piping systems installed underground in accordance with applicable codes, regulations and public utility standards. Each lot provided with piped gas shall have an approved manual shutoff valve installed upstream of the gas outlet, equipped with an approved cap to prevent accidental discharge of gas when not in use.
- k. All utility lines shall be located underground.
13. Group Residential Facility (Major Class I and All Class II) (R-3)
- a. The facility shall meet the certification, licensing or approval requirements of all appropriate governmental entities.
  - b. The facility shall meet local fire safety requirements for the proposed use and level of occupancy.
  - c. The facility shall not generate an unreasonable increase in traffic volume.
  - d. The facility shall comply with the district regulations applicable to other properties in the zoning district in which it is located.

630 Specific Criteria For Conditional Uses (CONT.)

- e. The facility may not be located within six hundred (600) feet of another such facility unless the applicant demonstrates to the satisfaction of the Board of Zoning Appeals that the proposed location has unique advantages with respect to proximity to employment opportunities, social services, public transportation or similar amenities.
  - f. The exterior of such facility shall be compatible with other residential dwellings. However, any improvement required by code or necessitated by licensing requirements shall not be deemed incompatible.
  - g. The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents, including a structured procedure whereby their grievances may be heard and resolved.
  - h. The applicant shall provide documentation indicating the need for the facility, the specific clientele it will serve, and the location and type of other facilities operated by the applicant.
  - i. A facility exceeding five thousand (5,000) square feet in total area and located adjacent to residential dwellings shall submit a screening plan to the Board of Zoning Appeals for approval (see Section 440).
  - j. The facility shall not pose any unsanitary, unhealthy, unsafe, criminal, or otherwise undesirable risks. The facility shall not permit residents to loiter outside the property limits on which it is located.
14. Automotive, Mobile Home, Recreational Vehicle, and Farm Implement Sales (REC)
- a. The site shall not be located on local streets which serve residential areas. Traffic should not disrupt an established residential neighborhood.
  - b. The site shall not be permitted within one hundred (100) feet of an adjacent residential zone or within seventy-five (75) feet of an adjacent residential use.
  - c. Screening shall be required to buffer any structure from adjacent residential uses. A screening plan shall be submitted to the Board of Zoning Appeals for approval (see Section 440).

630 Specific Criteria For Conditional Uses (CONT.)

- d. The facility may not create any toxic, noxious, odorous, ecologically unsafe or otherwise dangerous conditions to those within the compounds of the proposed use or to the occupants of any adjacent use.
  - e. The applicant shall submit a parking plan to the Board of Zoning Appeals. The parking areas and vehicular approaches shall be so located as to promote safety, and minimize congestion and impact on the neighborhood. The plan shall ensure that the traffic generated by the proposed facility will not impede other traffic.
15. Food Processing (I-1)
- a. The facility shall not be located on local streets which serve residential areas. Traffic should not disrupt an established residential neighborhood.
  - b. The facility shall not be permitted within three hundred (300) feet of an adjacent residential zone or within one hundred and fifty (150) feet of an adjacent residential use.
  - c. Screening shall be required to buffer any structure from adjacent residential uses. A screening plan shall be submitted to the Board of Zoning Appeals for approval (see Section 440).
  - d. The proposed facility must meet all appropriate governmental requirements.
  - e. The facility may not create any toxic, noxious, odorous, ecologically unsafe or otherwise dangerous conditions to those within the compounds of the proposed use or to the occupants of any adjacent use.
16. Convenient Business (REC)
- a. The facility shall not be located on local streets which serve residential areas. Traffic should not disrupt an established residential neighborhood.
  - b. The facility shall not be permitted within fifty (50) feet of an adjacent residential zone or within thirty five (35) feet of an adjacent residential use.
  - c. Screening shall be required to buffer any structure from adjacent residential uses. A screening plan shall be submitted to the Board of Zoning Appeals for approval (see Section 440).

630 Specific Criteria For Conditional Uses (CONT.)

- d. The applicant shall submit a parking and traffic circulation plan to the Board of Zoning Appeals. The parking areas and vehicular approaches shall be so located, designed and surfaced as to promote safety and minimize congestion and impact upon the character of adjacent residential neighborhoods. The plan shall provide for the separation of incoming and outgoing vehicles during high volume periods and ensure that the traffic generated by the proposed facility will not impede other traffic.

17. Public and Quasipublic Facility (A-1, R-1, R-2, R-3, B-1)

- a. The facility shall not be located on local streets which serve residential areas. Traffic should not disrupt an established residential neighborhood.
- b. The facility shall not be permitted within fifty (50) feet of an adjacent residential zone or within thirty five (35) feet of an adjacent residential use.
- c. Screening shall be required to buffer any structure from adjacent residential uses. A screening plan shall be submitted to the Board of Zoning Appeals for approval (see Section 440).
- d. The applicant shall submit a parking and traffic circulation plan to the Board of Zoning Appeals. The parking areas and vehicular approaches shall be so located, designed and surfaced as to promote safety and minimize congestion and impact upon the character of adjacent residential neighborhoods. The plan shall provide for the separation of incoming and outgoing vehicles during high volume periods and ensure that the traffic generated by the proposed facility will not impede other traffic.

18. Residential Retirement Community (R-3)

- a. The Residential Retirement Community use is intended to provide permissive and flexible zoning procedures for retirement residential development. Residential Retirement Community developments typically feature varied setback requirements and dwelling types, cluster-type sites and resident care units where maximum overall gross densities are established to permit creation of usable common open spaces without jeopardizing the overall intent of this Resolution or the public health, safety and welfare.
- b. Only elderly residential and health care community uses are permitted.



**630 Specific Criteria For Conditional Uses (CONT.)**

- c. The initial site to be developed as a Residential Retirement Community shall be at least forty (40) Acres in area, and all units must be served by central sewage and water systems and connected by a system of paved roads.
- d. The maximum gross density for each section developed shall not exceed the following:
  - i. Single-family dwellings - four dwellings per acre;
  - ii. Two family dwellings - six dwelling units per acre;
  - iii. Multi-family dwellings - fifteen (15) dwelling units per acre;
  - iv. Combinations of dwellings - ten (10) dwelling units per acre;
  - v. Nursing Homes - Shall cover not more than 30% of the site area.
- e. The following setbacks shall be required:
  - i. Street or highway setback - not less than sixty (60) feet;
  - ii. Clearance between individual dwellings - not less than thirty (30) feet;
  - iii. Clearance to the side or rear lines - not less than thirty (30) feet.
- f. A minimum area of twenty (20) percent of the overall site shall be used as common open space. This common open space may include such areas as pedestrian walkways, park lands, open areas, drainageways and other uses of an essentially open character. The common open space shall be for the benefit of all residents of the Retirement Community.
- g. A concept plan shall be required for the development or expansion of a Residential Retirement Community. Such plan shall be submitted in duplicate to the Board of Zoning Appeals.
- h. The concept plan shall contain a base map of the property and sketches, layouts, diagrams, plats, narrative descriptions and other appropriate documents which delineate the following:
  - i. Existing land use, general topography and physical features;
  - ii. Property boundaries;
  - iii. Adjacent thoroughfares and access points;
  - iv. Vehicular and pedestrian circulation;

**630 Specific Criteria For Conditional Uses (CONT.)**

- v. Location of different land use areas;
  - vi. Density levels of each residential area;
  - vii. Location of school, park and other community facility sites, if any;
  - viii. Adjacent land uses;
  - ix. Other information deemed necessary by the Board of Zoning Appeals.
- i. The following additional conditions will be required:
- i. That each individual section of development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability;
  - ii. That the buildings shall be used only for elderly residential and health care community uses and related accessory uses, such as garages, storage space and communal facilities allowed in the R-3 District. Mobile and manufactured homes are not permitted;
  - iii. That the proposed internal streets and thoroughfares, whether public or private, are suitable and adequate to carry anticipated traffic;
  - iv. That any part of a development not used for parking and loading areas, structures or streets shall be landscaped or otherwise improved;
  - v. That the Residential Retirement Community shall be consistent with the Comprehensive Plan.
19. Accessory Building Home Occupation, Small Ag-business (A-1)
- a. Area of building used for accessory building home occupation/small ag-business cannot exceed two and one-half (2 1/2) percent of gross lot area.
  - b. The proposed use cannot be closer than 100 feet to the nearest residential use property line.

630 Specific Criteria For Conditional Uses (CONT.)

- c. 1. Accessory Building Home Occupation:  
Only members of the immediate family occupying the dwelling unit on the same lot as the Accessory Building Home Occupation use shall operate the proposed use, and only immediate family members, whether on-site or off-site, may be employed in such occupation, plus no more than two (2) additional non-family employees. However, in no case shall there be more than 6 employees.
- 2. Small Ag-business:  
No more than 10 total employees.
- d. Screening shall be required to buffer any structures from adjacent residential uses if the proposed structure is nearer than 150 feet to adjacent residential uses. A screening plan shall be submitted to the Board of Zoning Appeals for approval (see **Section 440**).
- e. Screening shall be required to buffer any open storage areas from adjacent residential uses if the proposed area is nearer than 150 feet to adjacent residential uses. A screening plan shall be submitted to the Board of Zoning Appeals for approval (see **Section 440**).
- f. A non-illuminated sign mounted flat against the wall of the building not to exceed ten (10) square feet shall be permitted.
- g. Such use may not cause offensive noise, vibration, smoke or other particulate matter, odors, heat, humidity, glare or other emanations outside the premises.
- h. 1. Accessory Building Home Occupation:  
No display of products shall be visible from the street.
- 2. Small Ag-business:  
Display of products shall be approved by Board of Zoning.
- i. No more than ten (10) additional parking space shall be created in conjunction with the accessory building home occupation or small ag-business unless otherwise authorized by the Board of Zoning Appeals. No space shall be located in the required front yard.
- j. The accessory building home occupation or small ag-business shall not operate during evening hours which would interfere with normal living patterns and uses of neighboring residential uses.

**630 Specific Criteria For Conditional Uses (CONT.)**

20. Residential, Single-Family Detached Dwelling, Including Modular Homes, Less Than (1 ½ mile) 2,640 feet from a Large Confinement Operation (A-1)

a. All single-family requirements apply. Conditional use applies because of special considerations that relate to confinement operation.

21. Communication Towers (A-1, B-2, I-1, I-2)

a. Setbacks shall be equal to, or greater than, the height of the tower to all neighboring property lines and road right of ways.

b. All towers erected, maintained, and dismantled per Ohio Revised Code.

**640 Public Hearing**

The Board of Zoning Appeals shall hold a public hearing within thirty (30) days after it receives an application for a conditional use permit.

**641 Notice of Public Hearing**

Notice of the hearing required by Section 640 shall be given in one or more newspapers of general circulation in the County at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the hearing, and shall provide a summary explanation of the conditional use proposed.

**642 Notice to Interested Parties**

In addition to the notice required in Section 641, written notice of such hearing shall be mailed by the Board of Zoning Appeals by certified mail at least ten (10) days before the date of the hearing, to all property owners listed in the application and all others who have indicated in writing to the Board their interest in such proceedings. The notice shall contain the same information required by Section 641 for notices published in newspapers.

**650 Action by the Board of Zoning Appeals**

Within thirty (30) days after the date of the public hearing required by Section 640, the Board shall take one of the following actions:

1. Approve issuance of the conditional use permit by making a written finding that the proposed use is to be located in a district where such use may be conditionally permitted, that all conditions for approval of such use have been met, and that such use will neither cause significant negative impacts upon nor conflict with surrounding uses. Such finding may also prescribe supplementary conditions and safeguards as specified in Section 651. Upon such approval, the Board shall direct the Zoning Administrator to issue a conditional use permit for such use, which permit shall list all conditions and safeguards specified by the Board;

**650 Action by the Board of Zoning Appeals (CONT.)**

2. Make a written finding that the application is deficient in information or is in need of modification and return it to the applicant. Such finding shall specify the information or modifications which are deemed necessary;
3. Make a written finding denying the application is denied, such finding specifying the reasons for disapproval.

**651 Supplementary Conditions and Safeguards**

In granting approval for any conditional use the Board may prescribe appropriate conditions and safeguards in conformance with this Resolution. Any violation of such conditions and safeguards shall be deemed a punishable violation of this Resolution.

**652 Limits and Expiration of Conditional Use Permit**

A conditional use permit shall authorize only one particular conditional use. The permit shall automatically expire if such use has not been instituted within one year of its date, or if such use is thereafter discontinued for more than one year, or upon transfer of ownership of the conditional use and its affected property.

**660 Procedure to Determine a Substantially Similar Use**

The Board of Zoning Appeals may make a determination upon appeal that a proposed use is or is not substantially similar to a specific use listed or provided for in this Resolution. In formulating such determination the Board shall follow the procedures relating to appeals as specified in **Chapter 11** of this Resolution. Upon making such a determination the Board shall notify the Township Trustees of its decision and shall include in its written findings the reasoning upon which the decision is based.

**662 Standards for Consideration of Substantially Similar Uses**

The following standards shall be considered by the Board in determining that a use is or is not substantially similar to a permitted or a conditional use within a specific district:

1. The compatibility of the proposed use with the general use classification systems as specified in this Resolution;
2. The nature, predominant characteristics and intensity of the proposed use in relation to those uses specified by this Resolution as being principally or conditionally permitted in that district;
3. The size, dimensional requirements, parking requirements, traffic generation potential and other regulatory considerations normally associated with uses as specified in this Resolution.

**663 Effect of Determination That a Use Is Substantially Similar**

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

**664 Record of Similar or Dissimilar Uses**

The Zoning Administrator shall maintain a list of all uses determined to be substantially similar or dissimilar to uses listed in this Resolution. Such list shall indicate the use to which such similarity or dissimilarity has been found, and the date of any action thereon by the Board of Zoning Appeals. The Zoning Administrator shall consult this record in the process of issuing future permits.

## CHAPTER 7

### SIGNS

#### SECTION:

#### 700 General

The purpose of this Chapter is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising of all types. It is intended to protect property values, create a more visually attractive economic and business climate, enhance and protect the physical appearance of the community and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising clutter, distraction and obstructions that may contribute to traffic accidents; reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way; provide more open space; curb the deterioration of the natural environment, and enhance community development by permitting signs which are compatible with their surroundings.

#### 701 Certain Signs Excluded

This Chapter does not regulate signs erected and maintained pursuant to any governmental function, required by law, or necessary for safety.

#### 702 General Requirements

The regulations contained in this Section shall apply to all use districts. **Subsections 1 and 2** of this Section shall not apply to any sign performing a public service function by indicating time, temperature or similar services.

1. No sign shall be illuminated by or contain flashing, intermittent, rotating or moving lights. Any illuminated sign or lighting device shall employ only light emitted with a constant intensity. An illuminated sign or lighting device shall not be designed or placed so as either to project its beams upon or interfere with pedestrian or vehicular safety.
2. No sign shall not employ parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention;
3. No sign shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners or other similar moving devices. Neither such devices nor strings of lights shall be used for the purpose of advertising or attracting attention when not part of the sign;
4. No sign shall be erected or maintained which projects more than two feet from the front or face of a building;
5. No sign shall be placed on the roof of any building, except those signs whose supporting structures are so screened that the sign appears to be a continuation of the face of the building;
6. No portable or temporary sign, other than those authorized by **Subsection 5 of Section 711**, shall be placed on any premises;

**702 General Requirements (CONT.)**

7. No sign erected or maintained in the window of a building shall occupy more than twenty (20) percent of such window surface;
8. No sign shall be installed, erected, or attached in any form, shape or manner to a fire escape or to any door or window giving access to any fire escape;
9. All signs shall be secured to prevent significant movement due to wind;
10. No sign shall be attached to or supported by a tree, utility pole, trash receptacle, bench or public shelter;
11. No sign shall contain words, images or graphic illustrations of an obscene or indecent nature;
12. No sign shall interfere with any required ventilation opening;
13. No sign shall be located on a vacant lot, except for the purpose of advertising the lot for sale or lease, warning of danger or prohibiting trespassing;
14. No sign shall be located nearer than eight feet vertically or four feet horizontally from any overhead electrical wires, conductors or guy wires;
15. No vehicle or trailer may be parked on private property for advertising purposes.

**705 Sign Permit Required**

1. Any person intending to install, place or locate a sign regulated by this Chapter shall first obtain a sign permit from the Zoning Administrator.
2. Neither a sign for which a permit has been issued nor its structural supportive elements shall be modified, altered or replaced unless a new or amended permit is obtained.
3. The repainting, changing of parts, and preventive maintenance of signs shall not be deemed alterations requiring a sign permit.
4. A sign permit may be revoked if the sign for which such permit is granted is not placed in service within six months of the date of issuance of such permit.



**707 Contents of Application for Sign Permit**

An application for a sign permit shall be made in writing and attested as to truth and accuracy by the applicant. It shall be accompanied by all required fees and shall contain, either on its face or by attachment, the following information as to such sign:

1. Its dimensions;
2. Its colors, print style, print size and design;
3. Its message, including symbols and words;
4. Its proposed location and position;
5. The manner in which it will be attached to the premises;
6. As to a lighted sign:
  - a. The type and manner of its illumination;
  - b. The type and nature of its electrical connections;
7. Such other information as the Zoning Administrator shall reasonably require.

**711 Signs Not Requiring a Permit**

The following signs shall not require a permit, but shall nonetheless be subject to the general requirements of **Section 702** and the setback requirements of **Section 740**:

1. Signs not exceeding six square feet in residential districts and twelve (12) square feet in all other districts advertising the sale, construction, lease or rental of the premises upon which they are located;
2. Non-illuminated professional name plates not exceeding two square feet in area;
3. Signs denoting the names and addresses of the occupants of residential premises;
4. Signs or bulletin boards customarily incidental to places of worship, libraries, museums, social clubs or societies, not exceeding fifteen (15) square feet in area and located on the premises;
5. Temporary signs announcing special public or institutional events. Such signs shall not exceed twelve (12) square feet in area in residential districts and fifty (50) square feet in area in other districts and may remain in service for not more than sixty (60) days.

**713 Signs Permitted in Business and Industrial Districts**

The regulations set forth in this Section shall apply to signs in all Business and Industrial districts:

1. The area of all permanent on-premises signs for any single business enterprise may not exceed the equivalent of one and one-half square feet for each lineal foot of frontage of a building or part thereof occupied by such enterprise, or one hundred (100) square feet, whichever is smaller;
2. No off-premises sign or combination of off-premises signs shall exceed one thousand two hundred (1,200) square feet in area;
3. No off-premises sign shall be located within two hundred feet (200) of any other off-premises sign;
4. Off-premises signs shall conform to all applicable yard and height regulations for the appropriate zoning district.

**730 Political Signs**

No political sign shall be located in a public right-of-way. All candidates for public office and their campaign committees shall be responsible for the removal of campaign material within two weeks following election day.

**740 Sign Setback Requirements**

On-premises signs shall be set back from the established right-of-way line of any thoroughfare at least ten (10) feet. For every square foot by which any on-premises sign exceeds fifty (50) square feet, the setback shall be increased by one-half foot but need not exceed one hundred (100) feet. No off-premises sign shall be erected in front of the required setback line for the appropriate zoning district.

**744 Special Yard Provisions**

On-premises signs shall be erected or placed in conformity with the side and rear yard requirements of the district in which they are located, except that in any residential district on-premises signs shall not be erected or placed within twelve (12) feet of a side or rear lot line.

**750 Off-Premises Signs**

Off-premises signs shall be permitted only in Industrial and Business districts.

**760 Nonconforming Uses**

A nonconforming use shall be permitted one sign, which shall be flush-mounted on the premises and which shall not exceed twelve (12) square feet in area.

**761 Nonconforming Signs and Structures**

All nonconforming signs and structures shall be maintained in accordance with this Chapter. The burden of establishing the nonconforming status of any advertising sign or structure shall be upon the owner of the sign or structure.

**762 Loss of Legal Nonconforming Status**

A nonconforming sign must be brought into conformance with this Chapter or removed if:

1. It is altered in structure or shape;
2. It is enlarged, relocated or replaced;
3. It is part of an establishment which discontinues operation for ninety (90) consecutive days;
4. It is structurally damaged to an extent greater than one-half of its estimated replacement cost.

**763 Abatement of Unsafe Signs**

The owner or person maintaining an unsafe sign shall upon receipt of written notice from the Zoning Administrator proceed at once to make such sign safe or remove it.

## CHAPTER 8

### OFF-STREET PARKING AND LOADING FACILITIES

#### SECTION:

#### 800 General Parking Requirements

When any building, structure or use of land is erected, enlarged, or increased in capacity or use, off-street parking spaces for automobiles in accordance with the provisions of this Chapter shall be provided. A parking plan shall be required for all uses except for single or two-family residential uses and agricultural uses. The parking plan shall be submitted to the Zoning Administrator as a part of the application for a zoning permit. The plan shall show the boundaries of the property, parking spaces, access driveways, circulation patterns and drainage and construction plans, as appropriate.

Whenever a building or use constructed or established after the effective date of this Resolution is changed or enlarged so as to create a need for an increase of ten (10) percent or more in the number of existing parking spaces, such additional spaces shall be provided in proportion to the enlargement or change. Whenever a building or use existing prior to the effective date of this Resolution is enlarged fifty (50) percent or more in floor area or in the area used, such building or use shall then and thereafter comply with the provisions of this Chapter.

#### 810 Off-Street Parking Design Standards

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

1. Parking Space Dimensions: Each off-street parking space shall have an area of not less than one hundred and sixty two (162) square feet exclusive of access drives or aisles, and shall be of usable shape and condition.
2. Access: There shall be adequate provision for ingress and egress to all parking spaces. Where the lot or parking spaces do not provide direct access to a public street or alley, an access drive shall be provided as follows:
  - a. For each single, two or three-family residential dwelling the access drive shall be at least nine feet in width.
  - b. For all other uses the access drive shall be at least eighteen (18) feet in width.
  - c. All parking spaces, including those for residential dwellings, shall have access to a public street or alley in such a manner that any vehicle leaving or entering the parking area onto or from a public street or alley shall be traveling in a forward motion.

810 Off-Street Parking Design Standards (CONT.)

3. Setbacks: Parking areas shall not be located closer than three feet to any street or alley right-of-way.
4. Screening: Each side of a parking area abutting within twenty (20) feet of any residential use shall be screened in compliance with the requirements of Section 440 of this Resolution.
5. Paving: While paving is not required, proper dust control measures shall be undertaken and maintained for all required parking spaces
6. Drainage: All parking spaces, aisles and other circulation areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such areas, and shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways or public streets. Arrangements shall be made to ensure acceptable diversion to an adequate storm water drainage system.
7. Barriers: Fencing, wheel stops, curbs or other suitable barriers shall be provided wherever a parking lot extends to a property line, in order to prevent any part of a parked vehicle from extending beyond such line.
8. Visibility: Access to or from parking areas shall be located in such a way that any vehicle entering or leaving such areas shall be clearly visible for a reasonable distance to any pedestrian or motorist approaching the access from a street or alley.
9. Marking: All parking areas of twenty (20) or more spaces shall be marked in a manner reasonably approved by the Zoning Administrator, and shall be maintained in a clearly visible condition.
10. Maintenance: Parking areas shall be maintained in good condition and free of trash or other debris.
11. Signs: Where necessary, the entrances, exits and the intended circulation pattern of the parking area shall be clearly marked.
12. Lighting: Any lights used to illuminate a parking lot shall be so arranged as to direct such light away from adjoining Residential District property.

**820 Determination of Required Spaces**

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

1. Floor area, when designated as the standard for determining parking space requirements, shall be the sum of the gross horizontal area of all the floors of a non-residential building measured from the interior faces of the exterior walls, excluding only stairs, washrooms, elevator shafts and similar nonusable areas;
2. Seating capacity, when designated as the standard for determining parking space requirements, shall mean the number of seating units installed or designated and each twenty-four (24) lineal inches of benches or pews;
3. Fractional numbers shall be increased to the next whole number.
4. Required off-street loading spaces may not be included when computing required off-street parking spaces, and vice-versus.

**821 Joint Or Collective Parking Facilities**

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

1. All required parking spaces shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use, or where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located not farther than five hundred (500) feet from each building served;
2. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement assuring their retention for such purposes shall be executed by the parties concerned and filed with the application for a zoning permit.

**822 Off-Street Waiting Areas For Drive-in Services**

Establishments which by their nature create lines of customers waiting to be served within motor vehicles, and which normally serve customers in three minutes or less, shall provide off-street waiting areas in accordance with the following requirements:

1. Photo pick-ups, restaurants, banks, drive-through beverage docks and similar commercial establishments shall provide at least five waiting spaces per window or service area. Drive-in restaurants and similar uses which require an additional stopping point for ordering shall provide at least of three additional waiting spaces for each stopping point;
2. Self-serve automobile washing facilities shall provide no less than three waiting spaces per stall. All other automobile washing facilities shall provide a minimum of six waiting spaces per entrance;

**822 Off-Street Waiting Areas For Drive-in Services (CONT.)**

3. Service station garages shall provide no less than two waiting spaces for each accessible side of a gasoline pump island.

**823 Parking of Disabled Vehicles**

The parking of a disabled vehicle within a residential district for a period of more than one week shall be prohibited unless such vehicle is stored in an enclosed garage or other accessory building.

**830 Parking Space Requirements**

The following parking space requirements shall apply to the following uses:

1. Residential Uses

- a. Elderly housing facilities--One for each dwelling unit and for each regular shift employee.
- b. All other residential uses--Two for each unit.

2. Business Related Uses

- a. Animal hospitals and kennels, automotive repair stations and motor vehicle salesrooms--One for each four hundred (400) square feet of floor area and for each employee.
- b. Service station garages--Two for each service bay and one for every two gasoline pumps.
- c. Banks, financial institutions, post offices, and similar uses--One for each two hundred and fifty (250) square feet of floor area and for each employee.
- d. Barber and beauty shops--Two for each operator.
- e. Carry-out restaurants--One for each two hundred (200) square feet of floor area and for each two employees.
- f. Drive-through restaurants--One for each one hundred and twenty five (125) square feet of floor area and for each two employees.
- g. Hotels, motels, rooming houses and tourist or bed and breakfast homes--One for each sleeping room and for each two employees.
- h. Consumer and trade service uses not otherwise specified--Two for each employee.
- i. Funeral homes, mortuaries and similar types uses -- One for each fifty (50) square feet of floor area.
- j. Laundromats--One for every two washing machines.

**830 Parking Space Requirements (CONT.)**

- k. Administrative, business and professional office uses--One for each two hundred (200) square feet of floor area.
- l. Sit-down restaurants, taverns, night clubs and similar uses--One for each three persons of authorized seating capacity.
- m. Medical and dental clinics--One for each one hundred (100) square feet of floor area.
- n. All other types of business or commercial uses permitted in any business district--One for each one hundred and fifty (150) square feet of floor area.

**3. Recreational and Entertainment Uses**

- a. Bowling alleys--Four for each alley or lane; one for each three persons of authorized seating capacity of the area used in a restaurant, cocktail lounge, or similar use; and one for each three employees.
- b. Dance halls and skating rinks--One for each one hundred (100) square feet of floor area used for the activity; one for each three persons of authorized seating capacity in a restaurant, snack bar, or cocktail lounge; and one for each three employees.
- c. Outdoor swimming pools--One for each thirty five (35) square feet of pool surface area; one for each three persons of authorized seating capacity in a restaurant, cocktail lounge, or similar use; and one for each three employees.
- d. Auditoriums, sport arenas, theaters and similar uses--One for each four seats.
- e. Miniature golf courses--Two for each hole and one for each employee.
- f. Private Clubs and lodges--One for each ten members.
- g. Tennis facilities, racquetball facilities or similar uses--Two for each playing area, one for each one hundred (100) square feet of other activity area, and one for each employee.

**4. Institutional Uses**

- a. Churches and other places of religious assembly--One for each six seats in the main assembly room.
- b. Hospitals and nursing homes--One for each three beds.



**830 Parking Space Requirements (CONT.)**

- c. Libraries, museums and art galleries--One for each two hundred (200) square feet of floor, with a minimum of ten.
  
- 5. Educational Uses
  - a. Elementary schools, and kindergartens--Four for each classroom, one for each four seats in auditoriums or assembly halls, and one for each additional non-teaching employee.
  
  - b. High schools and middle schools--One for each four seats in auditoriums, stadiums or arenas; one for each teacher and employee; or one for each ten students, whichever is greater.
  
  - c. Business, technical and trade schools--One for each two students.
  
  - d. Child care centers, nursery schools and similar uses--Four for each classroom.
  
- 6. Industrial Uses

One for each employee on the largest shift for which each building is designed, and one for each motor vehicle used in the business.
  
- 7. Other Uses

The number of parking spaces required for uses not specifically mentioned shall be determined by the Zoning Administrator, following the guidelines set forth herein for various specific uses.

**831 Handicapped Parking**

Parking facilities serving premises required to be accessible to the physically handicapped shall provide conveniently located and designated spaces as follows:

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

**832 Elderly Housing Facility Parking**

Each parking space provided for the elderly in an elderly housing facility shall measure at least nine feet in width and twenty (20) feet in length, with aisles measuring twenty-one (21) feet in width.

**840 Off-Street Loading-Space Requirements**

When any building, structure or use of land is erected, enlarged or increased in capacity or use, off-street loading spaces in accordance with the provisions of this Chapter shall be provided. An off-street loading plan shall be required for all uses except for single or two-family residential uses. The off-street loading plan shall be submitted to the Zoning Administrator as a part of the application for a zoning permit. The plan shall show the boundaries of the property, loading spaces, access driveways, circulation patterns and drainage and construction plans, as appropriate.

Each building or structure with a gross floor area of three thousand (3,000) or more square feet and used for industrial, commercial or business activity normally requiring the receipt or distribution by vehicles of material or merchandise shall be provided with at least one off-street loading space, and one additional loading space for each ten thousand (10,000) square feet or fraction thereof of gross floor area so used in excess of three thousand (3,000) square feet.

**841 Off-Street Loading Design Standards**

All off-street loading spaces shall be in accordance with the following standards and specifications:

1. Loading Space Dimensions: Loading space dimensions shall be not less than twelve (12) feet in width, sixty five (65) feet in length and fourteen (14) feet in height.
2. Setbacks: Off-street loading spaces may be located in the required rear or side yard of any district provided that no part of any loading space is located within fifty (50) feet of any residential district or five feet of any street or alley.
3. Screening: Screening complying with Section 440 shall be provided on each side of an off-street loading space that abuts within twenty (20) feet of any residential use.
4. Access: All required off-street loading spaces shall have access to and from a public street or alley in such a manner that any vehicle leaving the premises shall be traveling in a forward motion.
5. Paving: All required off-street loading spaces (except within any mineral extraction district if said loading spaces are at least seven hundred (700) feet from any residential district) shall be hard-surfaced with a pavement having an asphalt or concrete binder. Where paving is not required, proper dust control measures shall be undertaken and maintained.
6. Drainage: All required off-street loading spaces, including driveways, aisles and other circulation areas, shall be designed to prevent excess drainage of surface water onto adjacent properties, walkways or public streets. Arrangements shall be made to ensure acceptable diversion to an adequate storm water drainage system.

**841 Off-Street Loading Design Standards (CONT.)**

7. Lighting: Any light used to illuminate a loading area shall be so arranged as to reflect such light away from adjoining property.

## CHAPTER 9

### NONCONFORMITIES

#### SECTION:

#### 900 Purpose

Within the districts now or hereafter established or amended, lots, uses of land, structures, and uses of structures and land in combination may exist which were lawful before this Resolution was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Resolution or such amendments. The legitimate interests of those who lawfully established these nonconformities are herein recognized by providing for their continuance, subject to regulations limiting their completion, restoration, reconstruction, extension, modification and substitution. Nothing contained in this Resolution shall be construed to require any change in the layout, plans, construction, size or use of any lot, structure, or structure and land in combination, for which a zoning permit became effective prior to the effective date of this Resolution or any amendment thereto. Nevertheless, while it is the intent of this Resolution that such nonconformities be allowed to continue until removed, they should not be encourage to survive. Therefore, no nonconformity may be moved, extended, altered, expanded or used as grounds for any other uses or structures prohibited elsewhere in the district, except by approval of the Board of Zoning Appeals or as otherwise specifically provided in this Resolution.

#### 901 Conditional Permitted Uses Not Nonconforming Uses

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

#### 902 Incompatibility of Nonconformities

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

#### 910 Avoidance of Undue Hardship

Nothing in this Resolution shall be deemed to require a change in the plans, construction, or designated use of any building upon which actual construction was lawfully begun and carried on diligently prior to the effective date of adoption or amendment of this Resolution. Actual construction is hereby defined to include the placing and fastening of construction materials in a permanent position and 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.

**920 Certificates For Nonconforming Uses**

The Zoning Administrator shall upon the request of any owner issue a certificate for any lot, structure, use of land, use of structure, or use of land and structure in combination which was legal prior to this Resolution or any amendment thereof, certifying that such lot, structure or use is a valid nonconforming use. The certificate shall specify the extent and kind of use made of the property in question, the portion of the structure or land used in a nonconforming manner, and why the use is nonconforming. No fee shall be charged for such a certificate. One copy of the certificate shall be returned to the owner and one retained by the Zoning Administrator.

**930 Substitution of Nonconforming Uses**

Except as prohibited by other codes or regulations, any nonconforming use may, upon appeal to and approval by the Board of Zoning Appeals, be changed to another nonconforming use of the same or a less intensive classification, if the Board finds that the use proposed for substitution is equally or more appropriate to the district than the existing nonconforming use. In permitting such change the Board may require that additional conditions and safeguards be met, which requirements shall be stipulated conditions to the approval of such change. Failure to meet such conditions shall be considered a punishable violation of this Resolution. Whenever a nonconforming use has been changed to a less intensive use or becomes a conforming use, such use shall not thereafter be changed to a more intensive or nonconforming use.

**940 Single Nonconforming Lots of Record**

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot which is of record at the time of passage or amendment of this Resolution, notwithstanding limitations imposed by other provisions of this Resolution. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width established for lots in the district in which such lot is located, provided that requirements other than those applying to area or width shall conform to the regulations for such district.

**941 Nonconforming Lots of Record in Combination**

If any combination of lots or 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 any part of such lot combinations or portions which are unimproved fail to meet the requirements established for lot width and area for the district in which such lot combinations or portions are located, they shall be considered to be an undivided parcel, and no portion of said parcel shall be used, divided or sold in a manner which diminishes compliance with lot width and area requirements established by this Resolution.

**950 Nonconforming Uses of Land**

Nonconforming uses of land may be continued so long as they remain otherwise lawful, provided:

1. Such uses shall not be enlarged, increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or applicable amendment of this Resolution;
2. Such uses shall not be moved in whole or part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or applicable amendment of this Resolution;
3. If any such uses of land are discontinued or abandoned for more than one year, any subsequent use of such land shall conform to the regulations then specified by this Resolution for the district in which such land is located, and the nonconforming uses may not thereafter be resumed. The intent to continue a nonconforming use shall not be evidence of its continuance;
4. No additional structure shall be erected in connection with such nonconforming use.

**960 Nonconforming Structures**

Nonconforming structures may be continued so long as they remain otherwise lawful, provided:

1. Such structures shall not be enlarged or altered in a way which increases their nonconformity, but may be altered to decrease their nonconformity;
2. Should such structures or portions thereof be destroyed by any means, they shall not be reconstructed except in conformity with the provisions of this Resolution;
3. Should such structures be moved, they shall thereafter conform to the regulations for the district in which they are located.

**970 Nonconforming Uses of Structures**

A nonconforming use involving a structure may be continued so long as it remains otherwise lawful, provided:

1. No existing structure devoted to a use not now or hereafter permitted within 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 then permitted in the district in which it is located;
2. Any such use may be extended throughout any part of a structure which was 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 structure;

**970 Nonconforming Uses of Structures (CONT.)**

3. A nonconforming use of a structure may be changed to another nonconforming use, provided that no structural alterations are made, and the Board of Zoning Appeals finds such use to be equally or more appropriate to the district than the existing use. In permitting such change the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other provisions of this Resolution;
4. When a nonconforming use of a structure is discontinued or abandoned for more than one year, such structure shall not thereafter be used except in conformity with the regulations of the district in which it is located.

**980 Damage or Destruction of Nonconforming Structure**

If any nonconforming structure is destroyed to the extent of more than fifty (50) percent of its cost of replacement, exclusive of foundation, it shall not be rebuilt, restored or reoccupied for any use unless it conforms to all regulations then in effect. When such a nonconforming structure is damaged or destroyed to the extent of fifty (50) percent or less of the replacement cost, no repairs or rebuilding shall be permitted unless:

1. A Zoning Certificate pertaining to such restoration shall be applied for within one year of such destruction, and rebuilding shall be diligently pursued to completion; and
2. Such restoration shall not cause a new nonconformity or increase the degree of nonconformance or noncompliance existing prior to such damage or destruction.

**990 Repairs and Maintenance**

Ordinary repairs and maintenance may be performed on any structure containing or constituting a nonconforming use, provided that the cubic area of such structure shall not be increased. Nothing in this Section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety.

## CHAPTER 10

### ADMINISTRATION

#### SECTION:

##### **1000 Purpose**

This Chapter sets forth the powers and duties of the Zoning Commission, the Board of Zoning Appeals, the Board of Township Trustees and the Zoning Administrator with respect to the administration of the provisions of this Resolution.

##### **1001 General Provisions**

The formulation, administration and enforcement of this Zoning Resolution is hereby vested in the following offices and bodies:

1. Zoning Administrator;
2. Zoning Commission;
3. Board of Zoning Appeals;
4. Township Trustees;
5. County Prosecutor.

##### **1010 Zoning Administrator**

A Zoning Administrator appointed by the Board of Township Trustees shall administer and enforce this Resolution. He or she may be assisted by such other persons as the Board of Township Trustees may direct.

##### **1011 Responsibilities of Zoning Administrator**

The Zoning Administrator shall have the following duties:

1. Enforce the provisions of this Resolution and administratively interpret the meaning and application of its provisions;
2. Respond to questions concerning applications for amendments to the Zoning Resolution text and the Official Zoning Map;
3. Issue permits and certificates as provided by this Resolution, and keep a record of same with a notation of any special conditions involved;
4. Approve or disapprove within the specified time all applications upon which the Zoning Administrator is authorized to act by the provisions of this Resolution, notifying the applicant in writing of any disapproval and the reasons therefore. Failure to notify the applicant within the specified time shall entitle the applicant to submit such application to the Board of Zoning Appeals;
5. Conduct inspections of buildings and uses of land to determine compliance with this Resolution, and, in the case of any violation, notify in writing the persons responsible, specifying the nature of the violation and ordering corrective action;



**1011 Responsibilities of Zoning Administrator (CONT.)**

6. Maintain in current status the Official Zoning Map;
7. Maintain records required by this Resolution, including but not limited to zoning permits, certificates of occupancy, inspection documents, and records of all variances, amendments and special uses;
8. Make such records available for the use of the Township Trustees, the Zoning Commission, the Board of Zoning Appeals, the County Prosecutor and the public;
9. Review and approve site plans;
10. Determine the existence of any violations of this Resolution, and cause such notifications, revocation notices, stop orders or other documents to be issued or initiate such other administrative or legal action as needed to address such violations; and
11. Prepare and submit an annual report to the Township Trustees and Zoning Commission on the administration of this Resolution, setting forth such information as may be of interest and value in advancing and furthering its purpose. Such report shall include recommendations concerning fees.

**1020 Appointment and Organization of Township Zoning Commission**

The members of the Township Zoning Commission shall be appointed and serve according to the law.

**1021 Proceedings of Zoning Commission**

The Zoning Commission shall by majority vote of its members elect a Chairperson, a Vice-Chairperson and a Secretary, who shall occupy such offices for a term of one year and until their respective successors are duly elected and qualified.

Meetings of the Zoning Commission shall be at the call of the Chairperson, or at such other times as any two members may determine. Three members of the Commission shall constitute a quorum. The Zoning Commission shall keep records of every official action, and minutes of its proceedings, showing the vote of each member upon each question, and each member's absence or failure to vote. Every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Zoning Commission shall be filed in the office of the Zoning Administrator or the Township Clerk, and shall be a public record.

If any member of the Zoning Commission is absent without excuse for more than two consecutive meetings, he or she may be considered at the option of the Chairperson to have resigned, and the Chairperson may request the Board of Township Trustees to appoint a replacement.

**1022 Duties of Zoning Commission**

The Zoning Commission shall:

1. Initiate advisable Official Zoning Map or Zoning Resolution text changes;
2. Submit proposed changes to this Resolutions, including texts and Official Zoning Maps, to the Shelby County Regional Planning Commission, and certify the proposed zoning or rezoning along with its and the Regional Planning Commission's recommendations to the Board of Township Trustees;
3. Hold required public hearings, notice of which shall be given in accordance with law;
4. Additionally function as provided by law.

**1030 Appointment and Organization of Board of Zoning Appeals**

The members of the Township Board of Zoning Appeals shall be appointed and serve according to the law.

**1031 Proceedings of the Board of Zoning Appeals**

The Board of Zoning Appeals shall by majority vote of its members elect a Chairperson, a Vice-Chairperson and a Secretary, who shall occupy such offices for a term of one year and until their respective successors are duly elected and qualified.

Meetings of the Board of Zoning Appeals shall be at the call of the Chairperson, or at such other times as any two members may determine. Three members of the Board shall constitute a quorum. The Board of Zoning Appeals shall keep minutes of its proceedings showing the vote of each member upon each question, and each member's absence or failure to vote, and shall keep records of every official action. Every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Board of Zoning Appeals shall be filed in the office of the Zoning Administrator or the Township Clerk, and shall be a public record.

If any member of the Board of Zoning Appeals is absent without excuse for more than two consecutive meetings, he or she may be considered at the option of the Chairperson to have resigned, and the Chairperson may request the Board of Township Trustees to appoint a replacement.

**1032 Duties of the Board of Zoning Appeals**

The Board of Zoning Appeals shall:

1. Hear and decide appeals where error is alleged in any order, requirement, decision or determination made by an administrative official in the enforcement of this Resolution, the Revised Code or of any resolution adopted pursuant thereto;

**1032 Duties of the Board of Zoning Appeals (CONT.)**

2. Authorize in specific cases such variances 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 resolution will result in unnecessary hardship, so that the spirit of this Resolution shall be observed and substantial justice done;
3. Grant conditional zoning permits for the use of land, buildings or other structures, if such uses are provided for in this Resolution;
4. Revoke any authorized variance or conditional zoning permit if any condition of such variance or permit is violated.

In exercising the above-mentioned powers the Board may reverse or affirm, wholly or partly, or may modify, any order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end has all powers of the Zoning Administrator.

**1040 Duties of the Zoning Administrator and Board of Zoning Appeals on Matters of Appeal**

All questions of interpretation and enforcement shall be first presented to the Zoning Administrator; such questions shall be presented to the Zoning Board of Appeals only on appeal from his or her decision, and recourse from the decisions of the Board shall be to the courts as provided by law. The duties of the Board of Township Trustees in connection with this Resolution shall not include hearing and deciding questions of interpretation and enforcement that may arise. Nothing in this Resolution shall be interpreted to prevent an official of the Township from appealing a decision of the Board of Zoning Appeals to the courts as provided by law. Any such appeal shall be made within ten (10) days of the Board's written decision.

**1050 Duties of the Board of Township Trustees**

The Board of Township Trustees shall:

1. Appoint members to and fill vacancies in the Zoning Commission;
2. Appoint members to and fill vacancies in the Zoning Board of Appeals;
3. Initiate or act upon suggested amendments to this Resolution's text or the Official Zoning Map;
4. If necessary, and as provided by law, repeal this Resolution in part or in its entirety;
5. Override, but only by unanimous vote, a written recommendation of the Zoning Commission as to a text or map amendment or interpretation;
6. Establish fees as provided in **Section 1051**.

**1051 Schedule and Payment of Fees**

The Board of Township Trustees shall by resolution establish and amend as necessary schedules of fees for zoning permits, sign permits, amendments, appeals, variances, conditional use permits, plan approvals and other procedures and services pertaining to the administration and enforcement of this Resolution, after considering the recommendations of the Zoning Administrator with respect to actual administrative costs, both direct and indirect. No action shall be taken on any application, appeal or other administrative procedure until the fees, charges and expenses for such procedure have been paid in full.

## CHAPTER 11

### APPEALS AND VARIANCES

#### SECTION:

##### **1100 General**

Appeals and variances shall conform to the procedures and requirements of this Chapter. The Board of Zoning Appeals has appellate jurisdiction relative to appeals and original jurisdiction relative to variances.

##### **1101 Appeals**

An appeal to the Board of Zoning Appeals concerning the interpretation or administration of this Resolution may be taken by any person aggrieved or by any officer, board, district or agency of the legislative authority of the Township affected by any decision of the Zoning Administrator. Such appeal shall be taken within twenty (20) days after such decision by filing with the Zoning Administrator and the Board of Zoning Appeals a notice of appeal specifying the grounds upon which such appeal is being taken. The Zoning Administrator shall transmit to the Board of Zoning Appeals all materials constituting the record upon which the action appealed from was taken.

##### **1110 Variances**

The Board of Zoning Appeals may authorize in specific cases such variance from the terms of this Resolution as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Resolution would result in unnecessary hardship. No nonconforming use of neighboring lands, structures or buildings in the same district and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this Resolution would result in unnecessary hardship.

##### **1111 Standards For Variances**

Except as otherwise permitted in this Resolution, no variance in the strict application of the provisions of this Resolution shall be granted by the Board of Zoning Appeals unless it finds that:

1. The granting of the variance is in accord with the general purpose and intent of the regulations imposed by this Resolution and the district in which it is located, and will not be injurious to the area or otherwise detrimental to the public welfare;
2. The granting of the variance will not permit the establishment of any use not otherwise permitted in the district;

### **1111 Standards For Variances (CONT.)**

3. There exist special circumstances or conditions applicable to the land or structures for which the variance is sought which are peculiar to such land or structures, which do not apply generally to land or structures in the area, and which are such that the strict application of the provisions of this Resolution would deprive the applicant of the reasonable use of such land or structures. Mere loss in value shall not justify a variance; there must be deprivation of the beneficial use of land;
4. Hardship will be created by strict application of this Resolution. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. The hardship complained of cannot be self-created, and must be suffered directly by the property in question. Evidence of variances granted under similar circumstances need not be considered;
5. The granting of the variance is necessary for the reasonable use of the land or structures, and the variance requested is the minimum variance that will accomplish this purpose;
6. The proposed variance will not impair an adequate supply of light or air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, endanger the public safety or substantially diminish or impair property values of the adjacent area.

### **1112 Additional Conditions and Safeguards**

The Board may prescribe any conditions and safeguards that it deems necessary to ensure that the objectives of the regulations or provisions to which the variance applies will be met. Any violation of such conditions and safeguards shall be deemed a punishable violation under this Resolution.

### **1113 Content of Application For Variances**

An application for variance shall be filed with the Zoning Administrator. It shall be accompanied by an established fee and shall contain:

1. The name, address and phone number of the applicant, and of the owner if not the applicant;
2. A list of the names and mailing addresses of all owners of property within five hundred (500) feet of the property for which the variance is sought;
3. A legal description of the property;
4. A description of the nature of variance requested;
5. Written statements which address the standards set forth in **Section 1111** of this Chapter.

**1114 Public Hearing by the Board of Zoning Appeals**

The Board of Zoning Appeals shall hold a public hearing within thirty (30) days after the receipt of an appeal or application for variance from the Zoning Administrator.

**1115 Notice of Public Hearing in Newspaper**

Notice of the public hearing required in Section 1114, shall be given in one or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the hearing and the nature of the appeal or proposed variance.

**1116 Notice to Parties of Interest**

Written notice of the public hearing required in Section 1114 shall be mailed by the Chairman of the Board of Zoning Appeals by first class mail to all parties in interest at least ten (10) days before the day of the hearing. The notice shall contain the same information as specified in Section 1115.

**1117 Action by Board of Zoning Appeals**

Within thirty (30) days after the public hearing required in Section 1114, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 1112, modify, or disapprove any appeal or request for variance.

**1118 Term of Variance Order**

No order of the Zoning Board of Appeals granting a variance shall be valid for a period of more than twelve (12) months from its date, unless a zoning permit or approval is obtained and the structural erection or alteration is started or the use commenced within such period.

**1119 Authorized Variances**

Variances from the regulations of this Resolution shall not be granted unless the Board makes specific findings of fact which support conclusions that the standards and conditions imposed in Sections 1111 and 1112 have been met. Variances may be granted:

1. To permit any yard area or setback distance to be less than the yard area or setback distance required by this Resolution but only if such lesser area or distance is not created solely by the act of the applicant;
2. To permit a use otherwise prohibited solely because of insufficient area or width of the lot or lots, but only if such insufficiency is not created solely by the act of the applicant;
3. To vary the size and location of off-street parking facilities;
4. To reduce required off-street parking or loading facilities;
5. To allow for the deferment of required parking facilities for a reasonable period of time, such period of time to be specified in the variance;
6. To increase the maximum distance to parking spaces from the use served;

**1119 Authorized Variances (CONT.)**

7. To increase the maximum gross floor area of a use;
8. To allow road frontage requirements to be reduced to 50' in the event that doing so would serve a lot not utilizing useable farmland and requiring location of the principal building more than 600' from the road right-of-way;
9. To allow mobile homes in districts not otherwise permitted for hardship cases. Such cases include destruction of the existing principal residence, sickness of immediate family members, or during construction of a residential unit. Such variance shall only be granted on a temporary basis not to exceed two years.



## CHAPTER 12

### ENFORCEMENT

#### SECTION:

##### **1200 Purpose**

This Chapter defines the procedures to be followed in obtaining permits, certificates and other legal or administrative approvals under this Resolution, and provides for its enforcement.

##### **1201 General**

It shall be unlawful to use, erect, establish, locate, construct, reconstruct, enlarge, change, convert, move, repair, maintain or structurally alter any building, structure or land in violation of any provision of this Resolution or any amendment thereto.

##### **1202 Zoning Permit Required**

No building, structure or land shall be established, changed in use, erected, moved, added to or structurally altered without a permit issued by the Zoning Administrator. Zoning permits shall be issued only in conformity with the provisions of this Resolution, unless the Zoning Administrator receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use or variance, or from Board of Township Trustees approving a planned unit development district, as may be provided by this Resolution.

##### **1203 Content of Application for Zoning Permit**

An application for zoning permit shall be made in writing, and the applicant shall attest to the truth and accuracy of all information provided therein. The application shall be accompanied by all required fees and by plans in triplicate drawn to scale, showing the actual dimensions and the shape of the lot to be used or built upon; the exact size, height and location of existing buildings on the lot, if any; and the location and dimensions of any proposed buildings or alterations.

The application shall contain the following information:

1. Name, address, and phone number of the applicant and of the owner if not the applicant;
2. Legal description of the property to which the permit applies;
3. Existing and proposed uses of such property;
4. All districts in which such property is located;
5. Off-street parking and loading plan;
6. Location and design of access drives;
7. Number of dwelling units;
8. Location and design of screening or buffering;

**1203 Content of Application for Zoning Permit (CONT.)**

9. Such other information as may be reasonably required by the Zoning Administrator to determine conformance with and provide for the enforcement of this Resolution.

**1204 Approval of Zoning Permit**

Within thirty (30) days after the receipt of a properly completed application, the Zoning Administrator shall either approve or disapprove such application in conformity with the provisions of this Resolution. All zoning permits shall be conditional upon the commencement of work within one year. One copy of the plans required by this Resolution shall be returned to the applicant, marked either as approved or disapproved and attested to by the Zoning Administrator's signature on such copy. One copy of such plans, similarly marked, shall be retained by the Zoning Administrator. The Zoning Administrator shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the issuance of such a permit.

**1205 Submission to Director of Transportation**

Before any zoning permit is issued affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of Transportation, or any land within a radius of five-hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Administrator shall give notice by certified mail to the Director of Transportation of the pendency of such application. If the Director of Transportation advises the Zoning Administrator of an intention to acquire such land, then the Zoning Administrator shall refuse to issue the zoning permit. If the Director of Transportation advises the Zoning Administrator that acquisition is not then in the public interest, or fails to act within one-hundred twenty (120) days of such notice or of any extension thereof agreed upon by the Director of Transportation and the property owner, the Zoning Administrator shall, if the application is otherwise in conformance with all provisions of this Resolution, issue the zoning permit.

**1206 Expiration of Zoning Permit**

If the work described in any zoning permit has not begun within one year from the date of its issuance, the permit may be revoked by the Zoning Administrator. Written notice thereof shall be given to the applicant. If the work described in any zoning permit has not been substantially completed within two and one half years of the date of its issuance, the permit may be revoked by the Zoning Administrator. Written notice thereof shall be given to the applicant, together with notice that further work as described in the canceled permit shall not proceed unless and until such permit is extended or a new permit obtained.

**1210 Certificate of Occupancy**

It shall be unlawful to use, occupy or permit the use or occupancy of any building, premises or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure, without a certificate of occupancy issued by the Zoning Administrator, stating that the proposed use of the building or premises complies with the requirements of this Resolution. The issuance of such a certificate does not relieve the recipient from such compliance.

- 1211 Issuance of Certificate of Occupancy**  
The Zoning Administrator shall issue a certificate of occupancy upon request of the zoning permit applicant, owner, occupant, contractor performing improvements or local health department, if the Zoning Administrator thereupon finds that:
1. The premises, improvements or uses conform to the provisions of the zoning permit and are suitable for occupancy;
  2. Any dwelling unit has appropriate operative lighting, heating and sanitation facilities.
- 1212 Temporary Certificate of Occupancy**  
The Zoning Administrator may issue a temporary certificate of occupancy for a period not exceeding six months during alterations or partial occupancy of a building pending its completion.
- 1213 Record of Zoning Permits and Certificates of Occupancy**  
The Zoning Administrator shall maintain a record of all zoning permits and certificates of occupancy, and shall furnish copies to any person upon request and payment of an established fee.
- 1220 Failure to Obtain a Zoning Permit or Certificate of Occupancy**  
Failure to obtain a zoning permit or certificate of occupancy whenever required shall be a punishable violation of this Resolution.
- 1230 Construction and Use to Be as Provided in Applications, Plans, Permits and Certificates**  
Zoning permits or certificates of occupancy issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement and construction set forth in such approved plans and applications or authorized amendments thereto. Use, arrangement or construction contrary to that authorized shall be deemed a punishable violation of this Resolution.
- 1240 Complaints Regarding Violations**  
Any person may file with the Zoning Administrator a written complaint alleging and describing any claimed violation of this Resolution. The Zoning Administrator shall immediately investigate such complaint and take appropriate action thereon.
- 1241 Entry and Inspection of Property**  
The Zoning Administrator may inspect premises, uses and structures in order to examine and survey the same at any reasonable hour for the purpose of enforcing the provisions of this Resolution. Prior to entering upon any premises for such examination or survey, the Zoning Administrator shall attempt to obtain the permission of the owner or occupant.
- 1250 Stop Work Order**  
Upon determining that work is being done contrary to this Resolution, the Zoning Administrator shall prepare a Stop Work Order and post it on the premises involved. Removal of a Stop Work Order without permission of the Zoning Administrator shall constitute a punishable violation of this Resolution.

**1260 Zoning Permit Revocation**

The Zoning Administrator may revoke a permit, certificate or other administrative approval issued contrary to this Resolution or based upon false information or misrepresentation in the application.

**1270 Notice of Violation**

The Zoning Administrator, upon learning of a violation of any provision of this Resolution, shall issue a Notice of Violation. Such notice shall be in writing, shall include a statement explaining the violation and referring to applicable sections of this Resolution, and shall state a reasonable time within which the violation must be corrected.

Service of a notice of violation shall be as follows:

1. By personal delivery to the applicant or owner, or by leaving the notice with a person of suitable age and discretion at the usual place of residence of the applicant or owner; or
2. By certified mail addressed to the applicant, owner or any violator, at the last known address of such person. If such mail is returned unclaimed, then service shall be sent by ordinary mail, and such mailing shall be evidenced by a certificate of the Zoning Administrator. Service shall then be deemed complete, provided that the ordinary mail envelope is not returned with an endorsement showing failure of delivery; or
3. By posting a copy of the notice in a conspicuous place on the premises found to be in violation.

The filing of an application constitutes the applicant's consent to service of any notice at the address shown on such application, unless such address is changed in writing and filed with the Zoning Administrator.

**1271 Procedure Upon Failure to Correct**

If any condition constituting a violation has not been corrected within the time provided by the Notice of such violation, the Zoning Administrator may file a complaint in a court of competent jurisdiction against the applicant, owner, occupant or any person found in violation of such notice.

**1272 Penalties and Fines**

Any person, firm or corporation who violates this Resolution or fails to comply with any of its requirements shall upon conviction be fined according to Fine Schedule established by Resolution of the Township Trustees and shall pay all costs and expenses involved in the case. Each day such violation or failure to comply continues shall be considered a separate offense. The owner or tenant of any premises or part thereof, and any architect, builder, contractor, agent or other person, including any zoning permit applicant, who commits, participates or assists in, or maintains such violation, may each be found guilty of a separate offense and suffer the penalties herein provided.

**1273 Additional Remedies**

Nothing in this Resolution shall be deemed to abolish, impair or prevent other remedies as provided by law. In the event of a violation of any provision or requirement of this Resolution, or in the case of an imminent threat of such violation, the Zoning Administrator, the Prosecuting Attorney, or the owner of any neighboring property who would be especially damaged by such violation, may, in addition to other recourses provided by law, institute mandamus, injunction, abatement or other appropriate actions to prevent, remove, abate, enjoin or terminate such violation.

**CHAPTER 13  
AMENDMENT**

**SECTION:**

**1300 Procedure For Amendments or District Changes**

This Resolution may be amended as provided by law.

**1301 General**

Whenever the public necessity, convenience, general welfare or good zoning practice requires, the Board of Township Trustees may by resolution, following recommendations of the Zoning Commission thereon, and subject to the procedures provided by law, amend, supplement, change or repeal these regulations, and any and all restrictions and boundaries or classifications of property.

**1302 Initiation of Zoning Amendments**

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

1. By adoption of a motion by the Zoning Commission;
2. By adoption of a resolution by the Board of Township Trustees;
3. By the filing with the Zoning Administrator of an application by an owner or lessee of property within the area proposed to be changed or affected by said amendment.

**1303 Contents of Application For Zoning Map Amendment**

Applications for amendments to the Official Zoning Map shall be accompanied by an established fee and shall contain the following information:

1. The name, address, and phone number of the applicant, and of the property owner if not the applicant;
2. The proposed amending resolution;
3. The reasons for the proposed amendment;
4. The present and proposed use of the property affected by the proposed amendment;
5. The present and proposed zoning of the area in which the property affected by the proposed amendment is located;
6. A vicinity map, showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Administrator may require;
7. A list of the names and mailing addresses of all property owners appearing on the County Auditor's current tax list who are within, contiguous to or directly across the street from the parcels proposed to be rezoned, except that addresses need not be included where more than ten parcels are to be rezoned;

**1303 Contents of Application For Zoning Map Amendment (CONT.)**

8. A statement explaining how the proposed amendment is consistent with the Comprehensive Plan.

**1304 Contents of Application For Zoning Text Amendment**

Application for amendments to change, supplement, amend or repeal any portion of this Resolution other than the Official Zoning Map shall be accompanied by an established fee and shall contain the following information:

1. The name, address and phone number of the applicant, and of the property owner if not the applicant;
2. The proposed amending resolution;
3. A statement of the reasons for the proposed amendment;
4. A statement explaining how the proposed amendment is consistent with the Comprehensive Plan.

**1305 Transmittal to Zoning Commission**

Immediately upon the adoption of a resolution by the Board of Township Trustees or the filing of an application by an owner or lessee of property, such resolution or application shall be transmitted to the Zoning Commission.

**1307 Amendment Procedure to Follow Ohio Revised Code**

Upon receipt of an application by an owner or lessee of a property, resolution by the Board of Township Trustees, or adopted motion by the Zoning Commission, the proposed amendment shall be reviewed in accordance with the procedures set forth in Section 519 of the Ohio Revised Code, and as thereafter may be amended.

**1311 Conditional Zoning Commission Recommendation**

The Zoning Commission may impose conditions to the zoning reclassification of property where it finds that said conditions must be imposed so as not to create problems inimical to the public health, safety and general welfare of Dinsmore Township, Shelby County, Ohio. The written decision of the Zoning Commission shall indicate the specific reasons upon which its recommendation is based, including the basis for its determination that the proposed amendment is or is not consistent with the Comprehensive Plan.

**1313 Conditions by Board of Township Trustees**

The Board may impose conditions to the zoning reclassification of property where it finds that said conditions must be imposed so as not to create problems inimical to the public health, safety and general welfare of Dinsmore Township, Shelby County, Ohio. The Board may deny or modify the recommendation of the Zoning Commission only by unanimous vote.

## CHAPTER 14

### DEFINITIONS

#### SECTION:

#### 1400 Interpretation of Terms or Words

Certain terms or words used herein shall be interpreted as follows:

1. The word "person" includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.
2. Where applicable, the present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
3. The word "shall" is mandatory, the word "may" is permissive, and the word "should" denotes a preference.
4. The words "used" or "occupied" include the meaning "intended, designed, or arranged to be used or occupied."
5. The words "lot," "plot," "parcel" and "tract" are interchangeable.

#### 1402 Specific Terms

**Accessory Building Home Occupation:** See Home Occupation, Accessory Building

**Accessory Use or Structure:** A use, object or structure conducted, constructed, installed or located on the same lot and subordinate to, serving and customarily incidental to a principal use, object or structure. The term includes anything of a subordinate nature, whether attached to or disattached from a principal structure or use, such as fences (excluding wire fences), walls, signs, sheds, garages, parking places, decks, poles, poster panels, pools, antennas and billboards. Except as otherwise provided in this Resolution, an accessory use is a permitted use.

**Administrator:** See Zoning Administrator

**Ag-Business, Small:** Business with less than ten (10) employees, marketing products or services for agriculture use.

**Agriculture:** The use of land for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture and animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing produce, provided that:

1. The operation of any such accessory uses is secondary to that of normal **Agricultural** activities; and
2. Such uses do not include the feeding or sheltering of animals or poultry in penned enclosures within 100 feet of any residential zoning district. **Agriculture** does not include the feeding of garbage to animals, or the operation or maintenance of an animal confinement facility or feedlot.

**Alley:** See Thoroughfare



**Alteration, Structural:** Any change in a supporting member of a building.

**Animal Confinement Facility:** Any operation which consists of total confinement animal breeding or feeding operations or total confinement poultry hatching or egg production facilities, and holding one hundred or more adult animals or fowl at any one time. As used in this paragraph, the words "total confinement" refer to a facility primarily designed and operated for continuous indoor confinement of the facility's animal population.

**Automotive, Mobile Home, Recreational Vehicle and Farm Implement Sales:** The sale or rental of new and used motor vehicles, mobile homes, recreational vehicles or farm implements displayed on the premises, including incidental warranty repair.

**Automotive Repair Garage:** See **Garage, Automotive Repair**

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

**Basement:** A story having at least one-half of its height below the average level of the adjoining ground. (See **Story**)

**Building:** Any structure designed or intended for the enclosure, shelter or protection of persons, animals, chattels or property.

**Building, Accessory:** A subordinated building detached from but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.

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

**Building Height:** The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of flat roofs, the deck line of mansard roofs, and the mean height between the eaves and ridge of gable, hip and gambrel roofs.

**Building Line:** See **Setback Line**

**Building Permit:** See **Zoning Permit**

**Business, Convenience:** Commercial establishments less than 10,000 square feet in floor area 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. Convenience uses include but need not be limited to drugstores, beauty salons, barber shops, grocery stores, small restaurants, carry-outs, dry cleaning and laundry facilities, and grocery stores. Uses in this classification tend to serve day-to-day needs in the neighborhood.

**Business, General:** Commercial uses which generally require locations on or near major thoroughfares or their intersections, and which tend, in addition to serving day-to-day needs of the community, to supply its more durable and permanent needs. General business uses include but need not be limited to supermarkets, restaurants, hardware stores, clothing stores, shoe stores, appliance or furniture stores, department stores and discount stores.

**Business, Highway:** Commercial uses which generally require locations on or near major thoroughfares or their intersections and which tend to serve the motoring public. Highway business uses include but need not be limited to filling or service stations, truck and auto sales and service, restaurants, motels and recreation facilities.

**Business, Office:** Commercial uses other than retail sales, manufacturing or residential uses. Office businesses generally accommodate administrative and professional activities. Activities of a charitable, philanthropic, religious or educational nature are also included in this classification.

**Business, Service:** 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, Warehouse:** Businesses engaged in the storage of commercial products or materials.

**Business, Wholesale:** Businesses that generally sell commodities to retailers, jobbers or other wholesale or manufacturing enterprises for further sale, or for use in the assembly, manufacture or fabrication of a product by a business.

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

**Child Day-Care:** Administering to the needs of children by persons other than their parents, guardians, custodians, relatives or school authorities for any part of a day in a place or residence other than the children's own home. The following are **Child Day-Care** facilities:

1. **Child Day-Care Center:** Any place not the permanent residence of the provider in which child day-care is provided for seven or more children at any one time.
2. **Child Day-Care Home:** A permanent residence of the provider in which child day-care is provided for five or more children at any one time.

**Clinic or Hospital:** A place used for the care, diagnosis or treatment of sick, ailing, infirm or injured persons.

**Clinic or Hospital, Veterinary:** See **Veterinary Hospital or Clinic**

**Club:** Premises owned or operated for a social, literary, political, educational or recreational purpose, primarily for the use of members and their guests.

**Common Open Space:** See **Open Space**

**Communication Tower:** A structure for receiving, transmittal or relaying communication for phone, radio, TV and similar services by a public utility.

**Comprehensive Development Plan:** A plan, or any portion thereof, adopted by the **Shelby County Regional Planning Commission (SCRPC)** and the legislative authority of Shelby County, showing the general location and extent of present and proposed physical facilities, and establishing the goals, objectives and policies of the community.

**Conditional Use:** A use permitted within a district other than a principally permitted use. **Conditional Uses** require approval of the Board of Zoning Appeals.

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

**Condominium:** A building or group of buildings in which dwelling units are individually owned, while common areas and facilities are owned on a proportional, undivided basis by all of the individual owners.

**Convenience Business** See **Business, Convenience**

**Corner Lot:** See **Lot Types**

**Cul-de-sac:** See **Thoroughfare**

**Day-Care, Child:** See **Child Day-Care**

**Dead-end Street:** See **Thoroughfare**

**Density:** A unit of measurement expressing 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 the total land devoted exclusively to such units.

**Depth:** See **Lot Measurement**

**District:** A zone or geographic area within the Township within which certain zoning or development regulations apply.

**Dwelling:** Any building or structure (except a house trailer or mobile home as defined by Ohio Revised Code 4501.01) which is wholly or partly used or intended to be used for residential purposes.

**Dwelling, Multi-family:** A dwelling consisting of three or more attached dwelling units. Condominiums can be one type of multi-family dwelling.

**Dwelling, Single-family:** A dwelling consisting of a single dwelling unit only.

**Dwelling, Two-family:** A dwelling consisting of two attached dwelling units. Condominiums can be one type of two-family dwelling.

**Dwelling Unit:** Space used for residential purposes within a dwelling by a Single-family and its household employees.

**Elderly Conversion Unit:** A dwelling unit incorporated into or attached to a Single-family dwelling for an accessory use by an **Elderly Household**.

**Elderly Household:** Three or fewer persons who occupy a single dwelling unit, one of whom is an **Elderly Person** and none of whom is under eighteen (18) years of age.

**Elderly Housing Facility:** A facility containing twelve (12) or more dwelling units where occupancy is restricted to elderly persons or households. The term does not include convalescent homes, **Nursing Homes** or **Group Residential Facilities**.

**Elderly Person:** A person who is sixty-two (62) years of age or older, or a person fifty-five (55) years of age or older whose handicap is of long-term duration and impedes his or her ability to live independently without care or supervision in a suitable housing environment.

**Enforcement Officer:** See **Zoning Administrator**

**Entertainment Facilities:** Facilities related to the entertainment field, including but not limited to motion picture theaters, nightclubs, cocktail lounges, comedy clubs and performing arts facilities.

**Extractive Manufacturing:** See **Manufacturing Extractive**

**Facility(ies):** See **Elderly Housing Facility**, **Group Residential Facility**, **Long Term Parking Facility**, **Public Facilities**, **Public Service Facilities**, **Quasi-public Facilities**, **Recreation Facilities** or **Storage Facilities**

**Factory-Built Housing:** A structure designed for long-term residential, office, business or industrial uses, the components of which are essentially constructed or assembled prior to its installation upon a site. Factory-built housing includes the following:

1. **Manufactured or Mobile Home:** Any structure designed to be used as a habitable space that is transportable in one or more sections, which may or may not be permanently attached to a chassis or placed on a foundation. **Manufactured Home** or **Mobile Home** shall not include **Industrialized Unit** or **Modular Unit**.
2. **Industrialized Unit or Modular Unit (Modular Home):** A factory-fabricated transportable building consisting of one or more units designed to be assembled at the building site. Once certified by the State, modular homes shall be subject to the same standards as site-built homes. **Industrialized Unit** or **Modular Unit** shall not include **Manufactured Home** or **Mobile Home**.
3. **Mobile and Manufactured Home Upgrade:** Any larger and newer upgrade or replacement of an existing manufactured or mobile home placed into use prior to adoption of this zoning resolution.

**Family:** One or more persons living as a single housekeeping entity in a dwelling unit. "Family" shall not include more than four persons unrelated to each other by blood, marriage or adoption.

**Farm Vacation Enterprise:** A farm: adapted for use as vacation, picnicking, recreational, camping, scenic, hunting, fishing or nature area.

**Feedlot:** An area used for fattening or temporarily holding livestock for shipment, sale or slaughter.

**Flood, Regional:** A flood which has occurred or may be expected to occur on a particular stream. A regional flood has an average recurrence frequency of one hundred (100) years.

**Flood Plain:** That land, including the flood fringe and the floodway, subject to inundation by a regional flood.

**Floodway:** That portion of the flood plain, including the channel, which is reasonably required to convey 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.

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

**Floor Area, Residential Building:** The sum of the gross horizontal area of the several floors of a residential building, excluding basement floor areas and roofed porches and terraces. All dimensions shall be measured between interior wall faces.

**Floor Area, Usable:** The sum of the horizontal area of the several floors of a building, measured from the interior faces of the exterior walls.

**Food Processing:** The preparation, storage or processing of food products for animal or human consumption.

**Frontage:** See Lot Frontage

**Front Yard:** See Yard, Front

**Garage, Automotive Repair:** A building, structure or site used for the repair, rebuilding or reconditioning of motor vehicles or their components, including major mechanical and body work, collision service, straightening of body parts, painting, welding and steam-cleaning of vehicles. Often referred to as a body shop.

**Garage, Private:** A detached accessory building or portion of a principal building designed or used for the parking or temporary storage of automobiles, travel trailers, boats or recreational vehicles of the occupants of the premises and in which:

1. Not more than one space is rented for parking to person not a resident of the premises; and
2. No more than one commercial vehicle per dwelling unit, not exceeding two tons in capacity, is parked or stored.

**Garage, Public:** A principal or accessory building, other than a private garage, used for parking of motor vehicles.

**Garage, Service Station:** Premises where the servicing and minor repair of motor vehicles is performed, and where motor vehicles, fuels, lubricants, parts and accessories are supplied, installed and dispensed at retail. A service station is not an automotive repair garage or a body shop.

**General Business:** See Business, General

**Group Residential Facility:** A group residential facility is an appropriately licensed residential facility providing habilitative or rehabilitative services. There are two classes of group residential facilities:

1. **Class I:** Any facility, other than a nursing home, used as a foster or group home for adults or children, or for the care or rehabilitation of dependent or pre-delinquent children, or for the mentally, physically or developmentally disabled. A Minor Class I facility is designed to contain five or fewer residents, exclusive of staff. A Major Class I facility is designed to contain six or more residents, exclusive of staff.
2. **Class II:** Any facility used to house adult or juvenile offenders, probationers, parolees and substance abusers. A Minor Class II facility is designed to contain five or fewer residents, exclusive of staff. A Major Class II facility is designed to contain six or more residents, but not more than ten residents, exclusive of staff.

**Heavy Manufacturing:** See Manufacturing, Heavy

**Highway:** See Thoroughfare

**Highway Business:** See Business, Highway

**Home, Nursing:** See Nursing Home

**Home Occupation:** An accessory use which is an activity, profession, occupation, service, craft or revenue-enhancing hobby clearly incidental and subordinate to the use of the premises as a dwelling, and which is conducted entirely within the dwelling unit.

**Home Occupation, Accessory Building:** The use of any accessory building for an activity, profession, occupation, service, craft or revenue-enhancing hobby which is not necessarily incidental and subordinate to the use of the premises as a dwelling due to the size or type of operation.

**Hospital:** See Clinic or Hospital, or Veterinary Hospital or Clinic

**Hotel or Motel:** A building in which overnight lodging is provided to the public for compensation.

**Industrialized Unit:** See Factory Built Housing

**Institution:** Premises, other than Clinics, Hospitals or Group Residential Facilities designed to aid individuals in need of mental, therapeutic, rehabilitative or other correctional services.

**Interior Lot:** See Lot Types

**Junk:** Items in disrepair, dented, defaced, rusted, inoperable, defective, broken, or otherwise in poor condition; broken wood, glass and plastic fabrications; used or empty glass, metal or plastic containers; used paper products; and grease, oil or hazardous substances.

**Junk Motor Vehicle:** A vehicle which is at least five years of age, apparently inoperable and extensively damaged or in poor condition.

**Junk Yards, Shops or Buildings:** Premises on which junk is stored, processed or allowed to accumulate.

**Kennel:** Premises on which four or more domesticated animals are housed, groomed, bred, boarded, trained or sold for commercial purposes.

**Large Confinement Operation:** Facilities and/or operations that involve, or are designed to involve more than 100 animal units as defined by the U.S.E.P.A.

**Light Manufacturing:** See **Manufacturing, Light**

**Loading Space, Off-Street:** Space designed or used for bulk pickups and deliveries, scaled to delivery vehicles and expected to be used by and accessible to such vehicles.

**Local Street:** See **Thoroughfare**

**Location Map:** See **Vicinity Map**

**Long Term Parking Facility:** See **Parking Facility, Long Term**

**Loop Street:** See **Thoroughfare**

**Lot:** A parcel of land. A lot may consist of:

1. A lot of record;
2. A portion of a lot of record;
3. All combinations of lots of record or portions of lots of records.

**Lot, Minimum Area of:** The area of a lot computed exclusive of any portion of the right-of-way of any public or private street.

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

**Lot Frontage:** The continuous portion of a lot nearest to and abutting a street. All sides of a corner or through lot adjacent to a street shall be considered frontage.

**Lot Measurements:** A lot shall be measured as follows:

1. **Depth:** The distance between the mid-points of straight lines connecting respectively the foremost and rearmost points of the side lot lines;
2. **Width:** The distance between straight lines connecting the 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:** As used in this Resolution:

1. **Corner Lot:** Is 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 line to the foremost points of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.
2. **Interior Lot:** Is a lot with only one frontage on a street.
3. **Through Lot:** Is 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:** Is 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.

**Manufactured Home:** See **Factory Built Housing**

**Manufactured Home Upgrade:** See **Factory Built Housing**

**Manufactured Home Park:** Any lot, site or tract upon which two or more manufactured homes are located for residential use.

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

**Manufacturing, Heavy:** Any operation other than **Light Manufacturing**.

**Manufacturing, Light:** Manufacturing or other industrial uses which are usually relatively clean, quiet and free of objectionable or hazardous elements such as smoke, noise, vibration, dust, glare, odor and air and water pollution; which conduct operations and storage for the most part within enclosed structures, and which generate little industrial traffic.

**Map:** See **Official Zoning Map** or **Vicinity Map**

**Marginal Access:** See **Thoroughfare**

**Mobile Home:** See **Factory Built Housing**



**Mobile Home Upgrade:** See **Factory Built Housing**

**Mobile Home Park:** Any lot, site or tract of land upon which two or more mobile homes are located for residential use.

**Modular Unit (Modular Home):** See **Factory Built Housing**

**Motel:** See **Hotel or Motel**

**Nonconformities:** Lots, uses of land, structures, and uses of structures and land in combination, lawfully existing at the time of enactment of this Resolution or its amendments, but not thereafter conforming to the regulations of the district or zone in which they are situated.

**Nursery, Plant Material:** Premises used for the storage, cultivation, transplanting or sales of live trees, shrubs, plants and gardening or landscaping products.

**Nursing Home:** A home or facility for the long-term care and treatment of injured, ill or infirm persons.

**Office Business:** See **Business, Office**

**Official Zoning Map:** A map of Dinsmore Township showing the various districts now and hereafter established pursuant to this Resolution.

**Off-Street Loading Space:** See **Loading Space, Off-Street**

**Off Street Parking Space:** See **Parking Space, Off-Street**

**Open Space:** Areas substantially open to the sky, including lawns, woods, gardens, water areas, swimming pools, tennis courts and other open recreational facilities, but not including streets and loading and parking areas.

**Parking Facility, Long Term:** Premises devoted primarily to the parking of vehicles, including highway tractors, semi-trailers, recreational vehicles, buses, trucks or automobiles, normally for a period of six or more days.

**Parking Space, Off-Street:** An area adequate for the parking an automobile, with room for opening its doors on each side, together with maneuvering room and access to a public street or alley, but located totally outside of any such street or alley right-of-way.

**Permit:** See **Conditional Use Permit, Sign Permit or Zoning Permit**

**Plant Material Nursery:** See **Nursery, Plant Material**

**Pool:** See **Swimming Pool**

**Premises:** Land and any improvements thereon, including buildings, structures and fixtures.

**Principal Permitted Use:** A use, other than an accessory or conditional use, permitted within a zoning district.

**Private Garage:** See **Garage, Private**

**Professional Activities:** The use of offices and related spaces for such professional services as provided by medical practitioners, lawyers, architects, and engineers and similar professions.

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

**Public Garage:** See **Garage, Public**

**Public Service Facilities:** Premises owned and operated by a governmental agency, railroad or public utility, and used for lighting, heating, transportation, communication, sanitation, health and other public utility services.

**Public Ways:** Lands dedicated for public use as alleys, avenues, boulevards, bridges, channels, ditches, easements, rights-of-way, expressways, freeways, highways, parkways, roads, sidewalks, streets, subways, tunnels, viaducts, walks, bicycle paths or other ways in which the general public or a public entity has a right of access.

**Quasi-public Facilities:** Churches, Sunday schools, parochial schools, colleges and other facilities of an educational, religious, charitable or philanthropic nature.

**Rear Yard:** See **Yard**

**Recreation Camp:** Premises on which two or more travel trailers, campers, tents or other similar temporary recreational structures are regularly accommodated.

**Recreation Facilities:** Public or private facilities used for recreational activities. Recreation facilities include but are not limited to miniature or conventional golf courses, fishing, riding or nature areas, parks, amusement parks and stadiums.

**Recreational Vehicles:** Travel trailers, campers, pick-up campers, motorized homes, boats, boat trailers, tent trailers, recreational utility trailers, recreational utility vehicles, all-terrain vehicles, other vehicles of similar functions or purpose, and any combination of such vehicles.

**Regional Planning Commission:** **Shelby County Regional Planning Commission.** Sometimes referred to as County Planning Commission.

**Research Activities:** Research, development, testing, analysis, engineering, evaluation and related studies and activities.

**Residential Facility:** See **Group Residential Facility**

**Residential Retirement Community:** Premises devoted primarily to the residential needs of elderly persons.

**Reversed Frontage Lot:** See Lot Types

**Right-of-way:** Land taken or dedicated for easements or other public purposes or use, normally incorporating the curbs, lawn strips, sidewalks, lighting, medians and drainage facilities in addition to the roadway. Rights-of-way may include special features required by topography or use, such as grade separation, landscaped areas, viaducts and bridges.

**Roadside Stand:** A temporary structure designed or used for the display or sale of agricultural and related products.

**Rooming House:** Premises, other than a hotel or motel, where lodging or meals and lodging are provided for compensation to three or more unrelated persons, and where no cooking or dining facilities are provided in the individual dwelling units. Often referred to as a boarding house, "bed and breakfast", lodging home or dormitory.

**Seat:** An individual seating unit or twenty-four (24) lineal inches of a bench, pew or other common seating unit.

**Service Business:** See Business Service

**Service Station Garage:** See Garage, Service Station

**Setback Line:** A line generally parallel with and measured from a lot line, defining the limits of a yard in which no structure or building, other than an accessory building, may be located above ground (See Yard).

**Sewer, Central or Group:** A sewage disposal system which provides a collection network, disposal system and central sewage treatment facility.

**Sewer, On-Site:** A septic tank or similar installation providing for the disposal of effluent on an individual lot.

**Side Yard:** See Yard

**Sign:** A structure or device designed or used for visual communication, whether standing alone or attached to, painted on or displayed from a building or other structure.

1. **Sign, On-Premises:** A sign related to a business, profession, commodity or service conducted, sold or offered upon the premises where such sign is located.
2. **Sign, Off-Premises:** A sign unrelated to a business, profession, commodity or service conducted, sold or offered upon the premises where such sign is located.
3. **Sign, Illuminated:** A sign illuminated by electricity, gas, laser, phosphorescent or other artificial light.
4. **Sign, Projecting:** A sign which projects from the exterior of a building or structure.

**Sign Permit:** A document issued by the Zoning Administrator authorizing the erection, location, maintenance, alteration, design, re-design or use of a sign.

**Storage Facilities:** Premises devoted primarily to the storage of equipment and material.

**Story:** That part of a building between the surface of a floor and the ceiling immediately above.

**Structure:** Anything constructed or erected, the use of which requires a fixed location on the ground or attachment to something having such a fixed location. Structures include buildings, mobile homes, walls, fences (excluding wire fence), billboards and decks.

**Swimming Pool:** A container, tank or shell containing at least 1.5 feet of water depth at some point and maintained for swimming or wading. There are three types of pools:

1. **Private:** Exclusively used without charge by the family or business and social guests of the owner.
2. **Public:** Operated by a governmental entity or with a charge for admission.
3. **Club:** Operated by a club (see **Club**).

**Thoroughfare:** The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular or pedestrian traffic. Thoroughfares include streets, roads, highways, courts and circles, and are 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 thoroughfare designed primarily to carry heavy loads and large volumes of traffic, usually on a continuous route.
3. **Collector Street:** A thoroughfare which primarily carries traffic from local to arterial streets.
4. **Cul-de-sac:** A local street with one end open to traffic and the other end terminating in a vehicular turnaround.
5. **Dead-End-Street:** A street having only one outlet.
6. **Local Street:** A street designed primarily to provide access to properties which abut it.
7. **Loop Street:** A street, each end of which intersects with a common street.
8. **Marginal Access Street:** A street, parallel and adjacent to an arterial or collector street, which provides access to abutting properties and protection from such arterial or collector street.

**Through Lot:** (See Lot Types)

**Trailer Court or Park:** See Mobile Home Park

**Use:** A specific purpose for which land, structures or buildings are designated, arranged, designed or intended, or for which they are or may be occupied or maintained.

**Use:** See Accessory Use, Conditional Use or Principal Permitted Use

**Variance:** A modification of the strict terms of a regulation, which 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, a literal enforcement of such regulation would result in unnecessary and undue hardship.

**Veterinary Hospital or Clinic:** A place used for the care, boarding, grooming, diagnosis and treatment of sick, ailing, infirm or injured animals, and which may include overnight accommodations on the premises for treatment, observation or recuperation.

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

**Warehouse Business:** See Business, Warehouse

**Waterfront Lots:** See Lot Types

**Wholesale Business:** See Business, Wholesale

**Width:** See Lot Measurements

**Yard:** A required open space other than a court, unoccupied and unobstructed by any structure or portion of a structure; provided that accessories, ornaments and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

1. **Yard, Front:** A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.
2. **Yard, Rear:** A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.
3. **Yard, Side:** A yard extending from the principal building to the side lot line on either side of the principal building between the lines establishing the front and rear yards.

**Zoning Administrator:** The person designated by the Board of Township Trustees to administer and enforce zoning regulations and related resolutions. Often referred to as the "Zoning Inspector," "Enforcement Officer" or "Zoning Enforcement Officer."

**Zoning Map:** See Official Zoning Map

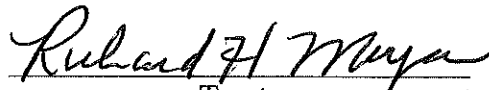
**Zoning Permit:** A document issued by the Zoning Administrator authorizing the uses of land, or the construction, erection, modification, alteration and uses of structures or buildings. Often referred to as a "Building Permit" or a "Zoning Certificate."

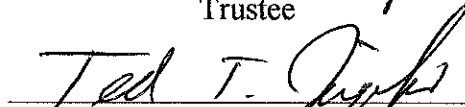
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JANET BECKER  
06-11-2003 At 08:26 am.  
TOWNSHIP 18.00

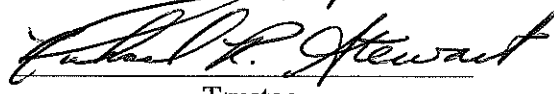
**DINSMORE TOWNSHIP ADDENDUM  
TO ZONING RESOLUTION**


**Adopted: April 28, 2003**

DINSMORE TOWNSHIP BOARD OF TRUSTEES  
205 WEST SOUTH STREET  
BOTKINS, OHIO 45306

  
Trustee

  
Trustee

  
Trustee

Attest:   
Clerk

316 **B-2 GENERAL BUSINESS DISTRICT**

A. The purpose and intent of this district is to create areas within the Township exclusively reserved for general commercial or retail business uses which require access to or locations near major thoroughfares and heavy traffic volumes.

B. **PRINCIPAL PERMITTED USES:**

1. Agriculture;
2. Convenience Businesses;
3. Office Businesses;
4. General Businesses;
5. Highway Businesses;
6. Service Businesses;
7. Hotels or Motels;
8. Recreation Facilities;
9. Public and Quasi-Public Facilities;
10. Hospitals or Clinics;
11. Veterinary Hospitals or Clinics;
12. Automotive Repair Garages;
13. Service Station Garages;
14. Public Garages;
15. Automotive, Mobile Home, Recreational Vehicle, and Farm Implement Sales;
16. Long-term Parking Facilities.

C. **CONDITIONAL PERMITTED USES:**

1. Entertainment Facilities;
2. Clubs;
3. Public Service Facilities;
4. Institutions;
5. Research Activities.
6. Communication Towers
7. Adult Entertainment Facilities (adopted 4/28/03).

D. **PROHIBITED USES:**

Uses which are not conducive to or lead to a more intensive land use than the above principal and conditional permitted uses are prohibited. In addition, no residential dwelling units are permitted within a B-2 District.

E. **MINIMUM LOT AREA (EXCLUDING ROAD-RIGHT-OF-WAY):**

Without central or group sewer 2 acres  
Required minimum lot area does not imply that this size lot is approved for development.

F. **MINIMUM LOT WIDTH AND FRONTAGE:**

Without central or group sewer 250 ft.

**630 Specific Criteria For Conditional Uses (CONT.)**

22. Adult Entertainment Facilities (B-2) (adopted 4/28/03)

- a. An adult entertainment facility is a building, structure, or use having a significant portion of its function an adult entertainment business.
- b. An adult entertainment business is any business involved in presenting motion pictures, selling services or products, including books, magazines, periodicals, video or audio tapes or discs characterized by the exposure or presentation of specified anatomical areas or physical contact of live males or females and characterized by salacious conduct appealing to prurient interest for observation or participation by patrons. Services or products included within the scope of adult entertainment business are photography, dancing, reading, massage, and similar functions that utilize activities as specified in this subsection.
- c. "Specific sexual activities" are:
  1. Human genitals in a state of sexual stimulation or arousal;
  2. Acts, real or simulated, of human masturbation, sexual intercourse, sodomy, cunnilingus, or fellatio; and
  3. Fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts.
- d. "Specific anatomical areas" are:
  1. Less than completely and opaquely covered human genitals, pubic regions, buttocks, and female breasts below a point immediately above the top of the areola; and
  2. Human male genitals in a discernibly turgid state even if completely and opaquely covered.
- e. Adult entertainment facilities shall be allowed as a conditional use in the B-2 Business District, subject to the following additional conditions:
  1. No adult entertainment facility shall be established within 1,000 feet of an existing residence or an area where residences are zoned as a permitted use.
  2. No adult entertainment facility shall be established within a radius of 1,000 feet of any public or private school, library, or teaching facility attended by persons under 18 years of age.
  3. No adult entertainment facility shall be established within a radius of 1,000 feet of an park or recreational facility attended by persons under 18 years of age.



4. No adult entertainment facility shall be established within a radius of 1,000 feet of any other adult entertainment facility or within a radius of 2,000 feet of any two of the following establishments:
  - a. Establishments for the sale of beer or intoxicating liquor for consumption on the premises;
  - b. Pinball palaces, halls or arcades;
  - c. Dance halls or discotheques;
  - d. Pool or billiard halls; or
  - e. Pawn shops.
5. No adult entertainment facility shall be established within a radius of 1,000 feet of any church, synagogue, or permanently established place of religious services attended by persons under 18 years of age.
6. no advertisement, display, or other promotional material shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks, walkways, or other public or semi-public areas.
7. All building openings, entries, windows, and ventilators shall be located, covered, or serviced to prevent a view into the interior from any public or semi-public area, sidewalk, or street. Structures shall be oriented so as to minimize any possibility of viewing the interior from public or semi-public areas.
8. No screen, loudspeakers, or video or audio equipment shall be used in such a manner that adult materials can be seen, heard, or discerned by the public from public or semi-public areas.

**610 Content of Conditional Use Application**

An application for a conditional use shall be filed with the Zoning Administrator, who shall within seven days transmit it to the Board of Zoning Appeals. Such application shall be accompanied by an established fee and shall contain:

9. When an application for a conditional use permit is for an adult entertainment facility, the applicant shall provide additional information as listed below:
  - a. The location of the proposed conditional use in relation to any residential, office-residential, office-commercial, commercial and/or industrial zoning district within one thousand (1,000) feet of the property boundary of the proposed use.
  - b. The location of the proposed conditional use in relation to any school, library, child-care center or teaching facility, whether public or private, governmental or commercial, which school, library, child-care or teaching facility is attended by persons under eighteen (18) years of age.
  - c. The location of the proposed conditional use in relation to any park or recreational facility, public or private, which is attended by persons under eighteen (18) years of age.
  - d. The location of the proposed conditional use in relation to any of the following uses or establishments within such uses are located:
    - (1) Cabarets, clubs, or other establishments that feature topless or bottomless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers.
    - (2) Establishments for the sale of beer or intoxicating liquor for consumption on the premises.
    - (3) Pawn shops.
    - (4) Pool or billiard halls.
    - (5) Pinball palaces or halls.
    - (6) Dance halls or discotheques.
    - (7) Massage parlors.

(All of item 9. adopted 4/28/03)

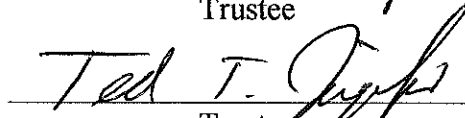
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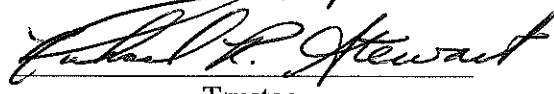
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TO ZONING RESOLUTION**


**Adopted: April 28, 2003**

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205 WEST SOUTH STREET  
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Trustee

  
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Attest:   
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1. Entertainment Facilities;
2. Clubs;
3. Public Service Facilities;
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5. Research Activities.
6. Communication Towers
7. Adult Entertainment Facilities (adopted 4/28/03).

D. **PROHIBITED USES:**

Uses which are not conducive to or lead to a more intensive land use than the above principal and conditional permitted uses are prohibited. In addition, no residential dwelling units are permitted within a B-2 District.

E. **MINIMUM LOT AREA (EXCLUDING ROAD-RIGHT-OF-WAY):**

Without central or group sewer 2 acres  
Required minimum lot area does not imply that this size lot is approved for development.

F. **MINIMUM LOT WIDTH AND FRONTAGE:**

Without central or group sewer 250 ft.

**630 Specific Criteria For Conditional Uses (CONT.)**

22. Adult Entertainment Facilities (B-2) (adopted 4/28/03)

- a. An adult entertainment facility is a building, structure, or use having a significant portion of its function an adult entertainment business.
- b. An adult entertainment business is any business involved in presenting motion pictures, selling services or products, including books, magazines, periodicals, video or audio tapes or discs characterized by the exposure or presentation of specified anatomical areas or physical contact of live males or females and characterized by salacious conduct appealing to prurient interest for observation or participation by patrons. Services or products included within the scope of adult entertainment business are photography, dancing, reading, massage, and similar functions that utilize activities as specified in this subsection.
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  3. Fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts.
- d. "Specific anatomical areas" are:
  1. Less than completely and opaquely covered human genitals, pubic regions, buttocks, and female breasts below a point immediately above the top of the areola; and
  2. Human male genitals in a discernibly turgid state even if completely and opaquely covered.
- e. Adult entertainment facilities shall be allowed as a conditional use in the B-2 Business District, subject to the following additional conditions:
  1. No adult entertainment facility shall be established within 1,000 feet of an existing residence or an area where residences are zoned as a permitted use.
  2. No adult entertainment facility shall be established within a radius of 1,000 feet of any public or private school, library, or teaching facility attended by persons under 18 years of age.
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4. No adult entertainment facility shall be established within a radius of 1,000 feet of any other adult entertainment facility or within a radius of 2,000 feet of any two of the following establishments:
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9. When an application for a conditional use permit is for an adult entertainment facility, the applicant shall provide additional information as listed below:
  - a. The location of the proposed conditional use in relation to any residential, office-residential, office-commercial, commercial and/or industrial zoning district within one thousand (1,000) feet of the property boundary of the proposed use.
  - b. The location of the proposed conditional use in relation to any school, library, child-care center or teaching facility, whether public or private, governmental or commercial, which school, library, child-care or teaching facility is attended by persons under eighteen (18) years of age.
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    - (7) Massage parlors.

(All of item 9. adopted 4/28/03)