

McLean Township Zoning Resolution

Adopted: July 16, 2002
Effective: August 16, 2002
by
RESOLUTION #071602

Amended: February 14, 2005
Effective: March 17, 2005
by
RESOLUTION #021405

Amended: October 28, 2010
Effective: November 27, 2010
RESOLUTION #102810

McLean Township Board of Trustees
14 Elm Street
Ft. Loramie, Shelby County, Ohio 45845

William J. Meyer

Trustee, Chairman

William J. Rethman

Trustee

Greg Ruhenkamp

Trustee

Marlene Hoying

Clerk

CHAPTER 1

GENERAL PROVISIONS

SECTION:

100 Title

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

110 Purpose

This Resolution is enacted in the interest of the public health, safety, convenience, comfort, prosperity or general welfare of the residents of the McLean 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 in the interest of the public health, safety, convenience, comfort, prosperity or 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All Resolutions in conflict or inconsistent with the provisions of this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.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 and minimum size requirements are hereby established for the Township of McLean, Shelby County, Ohio:

	Minimum Size
A-1 Agricultural -----	No minimum
R-1 Low Density Single-family Residential -----	5 acres
R-2 Medium Density Single-family and Two-family Residential -----	4 acres
R-3 Multi-family Residential -----	1 acre
B-1 Local Business-----	2 acres
B-2 General Business-----	2 acres
I-1 Light Industrial -----	5 acres
I-2 Heavy Industrial-----	5 acres
ME Mineral Extraction -----	15 acres
REC Recreation District -----	15 acres
PUD Planned Unit Development-----	10 acres

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. Purchases of property adjacent to commercial agricultural production areas within this district may be subjected to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including but not limited to: noise, odors, dust; the operation of machinery of any kind including aircraft, the storage and disposal of manure, the application of fertilizers, herbicides and pesticides. Owners, residents and users of property within and adjacent to the district should, therefore, be prepared to accept these conditions as well as the fact that these types of operations take place on a yearly twenty-four hour basis.
- B. PRINCIPAL PERMITTED USES:
 - 1. Agriculture;
 - 2. Residential, Single-family detached dwellings, including Modular Homes; more than ½ mile (2,690 ft.) from a large confinement operation (see 311 Paragraph L) however, Mobile and Manufactured Homes are not permitted;
 - 3. Public and Quasi-public Facilities;
 - 4. Feedlots;
 - 5. Animal Confinement Facilities.
- 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. Accessory Building Home Occupation.
 - 12. 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;
 - 13. Small Agricultural Business
 - 14. 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 rights-of-way:

Two (2) acres
Required minimum lot area does not imply that this lot is approved for development.
- F. MINIMUM LOT WIDTH AND FRONTAGE:

250 ft.
- G. MINIMUM YARD SETBACKS:

Side 40 ft. (15 ft. with central sewer)
Rear 40 ft.
Front 80 ft. from road right-of-way
- H. MAXIMUM BUILDING HEIGHT:

35 ft.
- I. MINIMUM GROUND FLOOR AREA (LIVING AREA):

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

311 A-1 AGRICULTURAL 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 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. Public and Quasi-public Facilities;
 - 4. Major Class I Group Residential Facilities.
- C. **CONDITIONAL PERMITTED USES:**
 - 1. Recreation Facilities;
 - 2. Public Service Facilities;
 - 3. Home Occupation.
- 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:

Two (2) acres, without central or group sewer.
20,000 sq. ft. with central or group sewers.
- F. **MINIMUM LOT WIDTH AND FRONTAGE:**

250 ft. (100 ft. if served by a central sewer system)
- G. **MINIMUM YARD SETBACKS:**

Side 15 ft.
Rear 30 ft.
Front 40 ft. from road right-of-way
- H. **MAXIMUM BUILDING HEIGHT:**

35 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 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 AND 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. District must be served by central or group sewer.
- 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. Public and Quasi-public Facilities;
 5. Minor Class I Group Residential Facilities.
- C. **CONDITIONAL PERMITTED USES:**
1. Recreation Facilities;
 2. Public Service Facilities;
 3. Home Occupations.
- 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):**
Must have central or group sewer -
- | | |
|------------------------|----------------|
| Single-family dwelling | 12,000 sq. ft. |
| Two-family dwelling | 14,000 sq. ft. |
| All other uses | 16,000 sq. ft. |
- F. **MINIMUM LOT WIDTH AND FRONTAGE:**
- | | |
|------------------------|--------|
| Single-family dwelling | 70 ft. |
| Two-family dwelling | 70 ft. |
- G. **MINIMUM YARD SETBACKS:**
- | | |
|-------|---|
| Side | at least 8 ft. each side (must be at least 20 ft. combined) |
| Rear | 25 ft. |
| Front | 25 ft. from road right-of-way* |
- * 50 ft. from State highway right-of-way
- H. **MAXIMUM BUILDING HEIGHT:**
35 ft.
- I. **MINIMUM GROUND FLOOR AREA (LIVING AREA):**
- | | |
|---------------|---------------------------------|
| Single-family | 1,600 sq. ft. |
| Two-family | 1,400 sq. ft. per dwelling unit |
- 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**.

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

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. District must be served by central or group sewer.
- 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. Public and Quasi-public Facilities;
 5. Minor Class I Group Residential Facilities.
- 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. Child Day Care Homes;
 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)**
Must have central or group sewer -
- | | |
|----------------|----------------------------------|
| Two-family | 5,000 sq. ft. per dwelling unit |
| Multi-family | 8,000 sq. ft. per dwelling unit |
| All other uses | 12,000 sq. ft. per dwelling unit |
- F. **MINIMUM LOT WIDTH AND FRONTAGE:**
- | | |
|------------------------|--------|
| Two-family dwellings | 70 ft. |
| Multi-family dwellings | 90 ft. |
| All other uses | 90 ft. |
- G. **MINIMUM YARD SETBACKS: (from road right-of-way)**
- | | | |
|--------|--------------|--|
| Side: | Two-family | 10 ft. per side |
| | Multi-family | 15 ft. per side |
| | All Other | 20 ft. per side |
| Rear: | Two-family | 25 ft. |
| | Multi-family | 25 ft. |
| | All Other | 30 ft. |
| Front: | For ALL uses | 25 ft. from road right-of-way* |
| | | * 50 ft. from State highway right-of-way |
- H. **MAXIMUM BUILDING HEIGHT:**
40 ft.

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

I. MINIMUM GROUND FLOOR AREA (LIVING AREA):

Two-family dwellings	1,200 sq. ft. per dwelling unit
Multi-family dwellings:	
Efficiency units	None Allowed
Two bedroom units	1,200 sq. ft. per dwelling unit
Three bedroom units	1,300 sq. ft. per dwelling unit
Four or more bedroom units	1,400 sq. ft. per dwelling unit

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. District must be served by central or group sewer.

- B. **PRINCIPAL PERMITTED USES:**
 - 1. Agriculture;
 - 2. Convenience Businesses;
 - 3. Office Businesses;
 - 4. Cemeteries;
 - 5. Child Day Care Centers;
 - 6. Child Day Care Homes;
 - 7. Public and Quasi-Public Facilities.

- 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. 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 are permitted within a B-1 District.

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

Must have central or group sewer 6,000 sq. ft.

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

Must have central or group sewer 60 ft.

- G. **MINIMUM YARD SETBACKS:**

Side	10 ft. (But 20 ft. if adjacent to any "R" District)
Rear	10 ft. (But 30 ft. if adjacent to any "R" District)
Front	25 ft. from road right-of-way *
	*35 ft. from State highway right-of-way or if adjacent to any "R" District

- 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 315** shall be permitted, subject to the requirements of **Chapter 5**.

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. District must be served by central or group sewer.

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.

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):

With central or group sewer 6,000 sq. ft.

F. MINIMUM LOT WIDTH AND FRONTAGE:

With central or group sewer 60 ft.

G. MINIMUM YARD SETBACKS:

Side 10 ft. (But 50 ft. if adjacent to any "R" District)
Rear 5 ft. (But 50 ft. if adjacent to any "R" District)
Front 35 ft. from road right-of-way *

*40 ft. from State highway right-of-way or if adjacent to "R" District.

H. MAXIMUM BUILDING HEIGHT:

40 ft.

I. REQUIRED OFF-STREET PARKING

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

316 B-2 GENERAL 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 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. District must be served by central or group sewer.

- B. **PRINCIPAL PERMITTED USES:**
 - 1. Agriculture;
 - 2. Light Manufacturing;
 - 3. Research Activities;
 - 4. Public Service Facilities;
 - 5. Wholesale and Warehouse Businesses;
 - 6. Institutions;
 - 7. Storage Facilities.

- C. **CONDITIONAL PERMITTED USES:**
 - 1. Food Processing Facilities.
 - 2. Communication Towers;
 - 3. Adult Entertainment 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 or retail business uses are permitted within an I-1 District.

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

Must have central or group sewer 10,000 sq. ft.

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

Must have central or group sewer 60 ft.

- G. **MINIMUM YARD SETBACKS:**

Side	15 ft. (But 50 ft. if adjacent to any "R" District)
Rear	5 ft. (But 50 ft. if adjacent to any "R" District)
Front	35 ft. from road right-of-way

*100 ft. from State highway right-of-way or if adjacent to any "R" District

- H. **MAXIMUM BUILDING HEIGHT:**

45 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 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. District must be served by central or group sewer.

- 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):**

Must have central or group sewer 10,000 sq. ft.

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

Must have central or group sewer 60 ft.

- G. **MINIMUM YARD SETBACKS:**

Side	10 ft. (But 50 ft. if adjacent to any "R" District)
Rear	5 ft. (But 50 ft. if adjacent to any "R" District)
Front	40 ft. from road right-of-way *

*110 ft. from State highway right-of-way, or if adjacent to any "R" District

- H. **MAXIMUM BUILDING HEIGHT:**

55 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 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.

319 ME MINERAL EXTRACTION DISTRICT (CONT.)

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. District must be served by central or group sewer.

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. Multi-family dwellings and Condominiums (including-Modular units);
5. Public and Quasi-public Facilities.

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):**

Central or group sewer **AND** a waterfront lot:

Single-family dwelling	8,000 sq. ft.
Two-family dwelling	6,000 sq. ft. per dwelling unit
Multi-Family dwelling	5,000 sq. ft. per dwelling unit
All other uses	16,000 sq. ft.

Central or group sewer **NOT** a waterfront lot:

Single-family dwelling	12,000 sq. ft.
Two-family dwelling	7,000 sq. ft. per dwelling unit
Multi-Family dwelling	6,000 sq. ft. per dwelling unit
All other uses	16,000 sq. ft.

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

1. 80 ft. if served by a central sewer system **AND** a waterfront lot
2. 100 ft. if served by a central sewer system and **NOT** a waterfront lot

G. **MINIMUM YARD SETBACKS:**

Side 10 ft. Per side
Rear 15 ft.
Front 20 ft. from road right-of-way*
*50 ft. from State highway right-of-way

H. **MAXIMUM BUILDING HEIGHT:**

35 ft.

320 REC RECREATION DISTRICT (CONT.)

I. MINIMUM GROUND FLOOR AREA (LIVING AREA):

Single-family	1,200 sq. ft. per dwelling unit
Two-family	1,200 sq. ft. per dwelling unit
Multi-Family:	
Two bedroom units	1,200 sq. ft. per dwelling unit
Three bedroom units	1,300 sq. ft. per dwelling unit
Four or more;	1,400 sq. ft. per dwelling unit
All other uses	No minimum standard.

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**.

L. EXCEPTIONS TO AGRICULTURAL ACTIVITIES: (added 10/28/2010)

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.

330 PUD PLANNED UNIT DEVELOPMENT DISTRICT

A. The purpose and intent of this district is to encourage and allow for unique and innovative large-scale residential development projects which are consistent with the Shelby County Comprehensive Plan, encourage the efficient use of land, and promote greater efficiency in providing public and utility services, without jeopardizing the overall intent of this Resolution or the public health, safety and welfare. PUD developments are constructed by a single owner or group of owners acting jointly, and may typically involve a related group of uses and a more compact arrangement of single and/or multi-family dwelling units grouped in or around common open space or recreation areas. Such developments are also planned as an entity and therefore conducive to development and regulations as a total unit rather than as a mere aggregation of individual buildings on a separate unrelated lots. District must be served by central or group sewer.

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. Multi-family dwellings and Condominiums (including Modular units);
5. Public and Quasi-public Facilities;
6. Recreational Facilities; and
7. Public Service Facilities.

C. **CONDITIONAL PERMITTED USES:**

None

D. **PROHIBITED USES:**

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

E. **MINIMUM DEVELOPMENT SIZE:**

With central or group sewer - 10 acres
Without central or group sewer - NO PUD Districts will be permitted
without central or group sewers

F. **MINIMUM LOT AREA AND DENSITY** excluding road right-of-way:

Each lot area shall be of sufficient site to support the building proposed to be located thereon. However, in no case shall an individual lot area be less than the following:

Single-family	5,000 sq. ft.
Two-family	6,500 sq. ft.
Multi-family	10,000 sq. ft.
All other uses	10,000 sq. ft.

In addition, the following maximum gross densities of dwellings allowed shall not be exceeded:

Single-family only	4 dwelling units per acre
Single-family and Two-family only	5 dwelling units per acre
Two-family only	5 dwelling units per acre
Single-family, Two-family and Multi-family	6 dwelling units per acre
Multi-family	15 dwelling units per acre

330 PUD PLANNED UNIT DEVELOPMENT DISTRICT (CONT.)

G. MINIMUM LOT WIDTH AND FRONTAGE:

Each individual lot width and frontage must be of sufficient size to support the building proposed to be located thereon. However, in no case shall an individual lot width and frontage be less than the following:

Single-family	50 ft.
Two-family	60 ft.
Multi-family	85 ft.
All other uses	85 ft.

Lots located on a curved street may have a reduced lot frontage but must still meet lot width requirements.

H. MINIMUM YARD SETBACKS (from road right-of-way or private street):

Side:

Single-family	5 ft. per side
Two-family	7 ft. per side
Multi-family	12 ft. per side
All other uses	15 ft. per side

Rear:

Single-family	10 ft. per side
Two-family	15 ft. per side
Multi-family	20 ft. per side
All other uses	25 ft. per side

Front:

For ALL uses, 15 ft. from road right-of-way*
*50 ft. from State highway right-of-way

I. MAXIMUM BUILDING HEIGHT:

40 ft.

J. MINIMUM GROUND FLOOR AREA (LIVING AREA):

Single-family	1,600 sq. ft.
Two-family	1,600 sq. ft. per dwelling unit
Multi-family:	
Two bedroom units	1,200 sq. ft. per dwelling unit
Three bedroom units	1,300 sq. ft. per dwelling unit
Four or more	1,400 sq. ft. per dwelling unit
All other uses	No minimum standard

K. REQUIRED OFF-STREET PARKING:

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

L. ACCESSORY USES:

Accessory uses, buildings and structures customarily incidental to any use listed as a permitted principal or conditional use in **Section 330** shall be permitted, subject to the requirements of **Chapter 5**.

M. COMMON OPEN SPACE:

There shall be reserved a minimum land area of twenty (20) percent of the overall development for use as a common open space. This common open space may include such areas as pedestrian walkways, park lands, open areas, drainageways and other lands of an essential open character. Ownership of this common open space shall be transferred to a legally established Homeowner's Association and the proper legal documents necessary for such transfer shall be prepared by the owner(s). The common open space shall be usable by residents of the planned unit development and shall not consist of isolated or fragmented pieces of land which would serve no useful purpose such as space between building, steep slopes or street right-of-way or parking areas.

N. REQUIRED CONTENTS OF THE PRELIMINARY PLAN:

The applicant is encouraged to engage in informal consultations with the Zoning Administrator and Township Zoning Commission prior to preparing his Preliminary Plan, it being understood that no statement or representation by Zoning Commission members shall be binding upon the Commission.

The applicant shall prepare a Preliminary Plan and shall submit three (3) copies of the Preliminary Plan along with an Application for Zoning Map Amendment to the Zoning Commission for approval. This Preliminary Plan shall consist of a scale drawing certified by a registered engineer or land surveyor and contain the following information:

1. The accurate dimensions and size of the site area as well as the topography of the site and adjoining lands;
2. The location and dimensions of all existing and proposed streets and their circulation patterns, places and pedestrian walkways within and abutting the site, as well as the location, size, and means of ingress and egress of all proposed off-street loading and parking areas;
3. The location, size and height of all existing and proposed buildings and structures within the site and on adjoining lands, as well as the existing or proposed use of each such building and structure, including the number of dwelling units to be accommodated in each;
4. The location, size and means of access of proposed common open space areas;
5. The proposed plan for providing electrical, gas, sewer, and water utility services, including connections to existing service lines and proposed easements;
6. The existing zoning classification(s) of the property involved in the proposed development;
7. A preliminary plat for any subdivision of land involved in the proposed development;
8. A proposed landscaping plan indicating the types and locations of special landscape treatments and explaining the anticipated effects of the proposed treatments;
9. A statement explaining why the proposed method of development may be seen as a superior alternative to development in the conventional manner under existing zoning and subdivision regulations;
10. Such other information as may be required by the Commission in order that it may determine the appropriateness of the proposed project for the section of the community in which it is intended to be developed;
11. Time schedule of projected development if construction is to extend beyond a two (2) year time period; and
12. All necessary legal documentation relating to the transfer of common open space to the legally established Homeowner's Association.

O. CONDITIONS OF APPROVAL:

Upon receipt by the Township Zoning Commission, the Preliminary Plan shall be studied and reviewed, and approval or disapproval shall be granted on the basis that all application requirements have been satisfied, and that the following specific conditions have been met:

1. 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 or that adequate assurance will be provided that such objective will be attained;
2. That the uses proposed will not be detrimental to present and potential surrounding uses;
3. That the buildings shall be used only for uses specifically permitted in the District and their usual accessory uses, such as garages and storage space;
4. That the internal street and thoroughfares proposed are suitable and adequate to carry anticipated traffic;
5. That the proposed project is at a location where traffic congestion does not exist at present on the streets to be used conjunction therewith, and where undue congestion will not likely be created as a result of the proposed project;
6. That the plan of the proposed project provides for integrated and harmonious design of buildings, adequate and properly arranged facilities for internal traffic circulation and off-street parking, appropriate and desirable landscaping, especially for any part of the development not used for structures, and for such other facilities and features as may be necessary to make the proposed project attractive and efficient from the standpoint of the developer as well as from the standpoint of adjoining and surrounding existing and potential developments;
7. That the minimum common open space area has been reserved and is either to be dedicated to McLean Township or to be transferred to a legally established Homeowner's Association;
8. That the proposed project is in conformance with the Shelby County Comprehensive Plan; and
9. That the proposed project is consistent with the intent and purpose of the Resolution to promote public health, safety, morals and general welfare of Township residents.

P. PROCEDURE FOR PRELIMINARY APPROVAL AND REZONING INITIATION:

The Township Zoning Commission shall study the Preliminary Plan and Zoning Map Amendment Application and shall hold a public hearing within sixty (60) days of the time of the application. Following this public hearing, the Zoning Commission shall either make a motion to initiate the zoning amendment procedure if it deems the proposal acceptable for rezoning amendment procedure, or make such motion. A motion to initiate the zoning amendment procedure shall not be construed to endorse or formally approve the Preliminary Plan. Rather, the proposed project site must be successfully re-zoned to a PUD District, and a Final Plan must be submitted to the Zoning Commission for final approval.

330 PUD PLANNED UNIT DEVELOPMENT DISTRICT (CONT.)

Q. FINAL PLAN:

Upon approval of the zoning amendment to a PUD District, a Final Plan shall be prepared by a professional planner, engineer or architect, and submitted to the Zoning Commission for review. The Final Plan shall be in accordance with the Preliminary Plan and include the following:

1. Finalized elements of the Preliminary Plan;
2. Final lot lines;
3. Preliminary building plans, including floor plans and exterior elevations;
4. Specific engineering plans, including site grading, street improvements, street improvements, drainage and utility improvements and extensions as necessary.

R. CONDITIONS OF FINAL PLAN APPROVAL:

Upon submittal of the Final Plan, the Zoning Commission shall review the Final Plan to determine accordance with the following:

That the Final Plan contains all such elements as required in paragraph Q of **Section 330**;

That all modifications, changes, or recommendations as made by the Zoning Commission during the Preliminary Plan review stage be addressed;

That any changes initiated and proposed by the Developer since the Preliminary Plan stage not result in a substantial change in character or alter the overall concept of the Preliminary Plan proposal; and

That the Final Plan has the Preliminary Subdivision approval of the SCRPC, if the development involves subdividing lots.

S. PROCEDURES FOR FINAL PLAN APPROVAL:

The Township Zoning Commission shall study the Final Plan and shall hold a public hearing within thirty (30) days of the submission of the Final Plan. Following this public hearing, the Zoning Commission shall either approve the Final Plan if it deems the proposal acceptable or not make such approval. If the Zoning Commission denies the Final Plan, a reason for denial shall be so stated. The Zoning Commission shall then be authorized to issue a Zoning Permit for the development. However, the Zoning Administrator shall not issue a permit until a Final Subdivision Plat has been approved by the SCRPC and recorded with the Shelby County Recorder.

331 The Township Zoning Commission shall study the Preliminary Plan and Zoning Map Amendment Application and shall hold a public hearing within sixty (60) days of the time of application.

The township zoning commission may explicitly impose special conditions relating to the planned unit development with regard to type and extent of public improvements to be installed; landscaping; development, improvement and maintenance of common open space; and any other pertinent development characteristics.

Following this public hearing, the Zoning Commission shall either make a motion to initiate the zoning amendment procedure if it deems the proposal acceptable for rezoning amendment procedure, or not make such motion.

A motion to initiate the zoning amendment procedure shall no be constructed to endorse or formally approve the Preliminary Plan. Rather, the proposed project site must be successfully re-zoned to a PUD District and a Final Plan must be submitted to the zoning commission for final approval.

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 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 or those used directly for agricultural purposes on the premises on which they are parked. 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 property other than in a completely enclosed building. One unoccupied recreational vehicle may be stored in the rear or side yard of a 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.
 - a. No fence or wall higher than three feet shall be permitted in a front yard.
 - b. No fence or wall (other than those surrounding public or club swimming pools) higher than six (6) feet shall be permitted in side or rear yards.
 - c. On Lake Loramie waterfront lots, no fence or wall shall be over three (3) feet high within fifty (50) feet of the shoreline on side and rear yards.
 - d. A three (3) foot setback is required for all side and rear yard fences.
 - e. Height of fence is to be measured from the grade (contour) of ground.
(#2 amended 10/28/2010)
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 at the required setback line and beyond.

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.

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.
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, excluding agricultural, which may 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.
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 at 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 Driveways

1. Driveways must be set back five feet from the side property line.
2. A dwelling shall have a turnaround to eliminate the necessity of vehicles backing out onto a state, county, or township highway. The edge of any turnaround shall be at least five feet from the edge of the property line.

442 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 dwelling structure if the following requirements are met:

1. Total area of all accessory structures shall not be more than two and one half (2½) percent of the gross lot area;
2. It shall not contain or be used as a dwelling unit; or for any overnight accommodations
3. It shall not exceed twenty-four (24) feet in height for minimum lot area of two (2) acres. For each additional one-half (½) acres of lot area, height limit will increase by one (1) foot.
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 dwelling 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;
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.

610 Content of Conditional Use Application (CONT.)

- 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 which 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.

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**).
 - 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.

630 Specific Criteria For Conditional Uses (CONT.)

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 and Child Day Care Home (R-3)
 - 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.
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.
 - 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.

630 Specific Criteria For Conditional Uses (CONT.)

7. Home Occupation (R-1, R-2, R-3, REC)
 - a. Only members of the immediate family occupying the dwelling unit shall be employed in such occupation.
 - 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.

630 Specific Criteria For Conditional Uses (CONT.)

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 .
 - 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;
 - 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.

630 Specific Criteria For Conditional Uses (CONT.)

- 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;
 - 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;

630 Specific Criteria For Conditional Uses (CONT.)

- 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.
 - 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**).
 - 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.

630 Specific Criteria For Conditional Uses (CONT.)

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**).
 - 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. 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.
 - 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.

630 Specific Criteria For Conditional Uses (CONT.)

- 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;
 - 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.
18. 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.
 - c. 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 Appeals.

630 Specific Criteria For Conditional Uses (CONT.)

- 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.
19. Residential, Single-Family Detached Dwelling, Including Modular Homes, Less Than (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.
20. 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.
 - c. Tower owner to post bond equal to 25% of the total construction cost of the tower to be used by the township to dismantle tower in case of abandonment.
21. Adult Entertainment Facility (I-1)
- a. No adult entertainment facility shall be established within five hundred (500) feet of any residence, office-residence, and/or office-commercial zoning district.
 - b. No adult entertainment facility shall be established within a radius of one thousand (1,000) feet of any school, library, or teaching facility that is attended by persons under eighteen (18) years of age.
 - c. No adult entertainment facility shall be established within a radius of one thousand (1,000) feet of a park or recreational facility attended by persons under eighteen (18) years of age.
 - d. No adult entertainment facility shall be established within a radius of one thousand (1,000) feet of any permanently established place of religious services, which is attended by persons under (18) years of age or day care center or type A or B family day care home as defined by the Ohio Revised Code.
 - e. Distances shall be measured from the property lines of any lot or parcel of land which includes, or which is operated or used in connection with a building in which an adult entertainment facility is located or in which any activity described or referred to in this section is located.
 - f. No advertisements, displays, or other promotional materials shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other public areas, semi-public areas, or quasi-public areas.
 - g. All building openings, entries, windows, etc. for adult uses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public areas, semi-public areas, quasi-public areas, any sidewalk, or any street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from any public areas, semi-public areas, quasi-public areas, any sidewalk, or any street.
 - h. No screens speakers, or sound equipment shall be used for adult motion picture theaters (enclosed or drive-in) that can be seen or discerned by the public for any public areas, semi-public areas, quasi-public areas, any sidewalk, or any street.
22. Wind Turbines and Towers (A-1, B-2, I-1, I-2) (added 10/28/2010)
- a. The maximum height of any turbine shall be 100 feet. For purposes of this particular zoning item, maximum height shall be considered the total height of the turbine system including the tower, and the maximum vertical height of the turbine's blades. Maximum height therefore shall be calculated by measuring the length of a prop at maximum vertical rotation to the base of the tower.
 - b. Setback: the following shall apply in regards to setbacks.

630 Specific Criteria For Conditional Uses (CONT.)

1. Any turbine erected on a parcel of land will need to establish a “clear fall zone” from all neighboring property lines as well as any inhabited structures on the parcel intended for the turbine. A turbine will need to be erected and placed in such a manner that if it were to fall, whatever direction the fall occurs would be contained solely on the property where the turbine is located at, and would not strike any structures including the primary dwelling, and any inhabited structures.
- c. 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;
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 two consecutive years or upon transfer of ownership.

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;
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.
16. No sign shall exceed 100 sq. ft. in surface area per side or 30 ft. in height in any district other than business and industrial signs allowed in Section 713.

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; Signs not exceeding twelve (12) square feet in the agricultural district for identifying varieties of crops, fertilizers, and herbicides in test plots or fields;
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, except those required for single, two or three-family 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.
3. Setbacks: Parking areas shall not be located closer than three feet to any street or alley.
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.

810 Off-Street Parking Design Standards (CONT.)

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;
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.
 - 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.
 - c. Libraries, museums and art galleries--One for each two hundred (200) square feet of floor, with a minimum of ten.

830 Parking Space Requirements (CONT.)

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, excluding agricultural farm 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.
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 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;
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 therefor. 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;
6. Maintain, in current status, the Official Zoning Map;
7. Maintain records required by this Resolution, including but not limited to zoning permits, 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;
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;
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;
7. To increase the maximum gross floor area of a use.

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;
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 forty-five (45) days but not less than ten (10) after posting a placard of the intent to build on the proposed site, 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.

1213 Record of Zoning Permits

The Zoning Administrator shall maintain a record of all zoning permits and shall furnish copies to any person upon request and payment of an established fee.

1220 Failure to Obtain a Zoning Permit

Failure to obtain a zoning permit whenever required shall be a punishable violation of this Resolution.

1230 Construction and Use to Be as Provided in Applications, Plans, Permits

Zoning permits 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 obtain the permission of the owner or occupant or obtain legal permission to enter the premises.

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 the 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;
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 McLean 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 McLean 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, 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**

Adult Entertainment Facility: A facility having a significant portion of its function as adult entertainment which includes the following listed categories:

1. **Adult Book/Video Store:** An establishment which deals in books, magazines, or other periodical, or video tapes of which at least ten percent (10%), as measured by publicly accessible display area, are distinguished or characterized by an emphasis on depiction or descriptions relating to specified sexual activities or specified anatomical areas, as defined below, or an establishment having an area devoted primarily to the sale or display of such materials.
2. **Adult Entertainment Theater:** A facility used to a substantial extent for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities, or specified anatomical areas herein defined for the observation by patrons therein.
3. **Adult Entertainment Business:** Any establishment involved in the sale of services or products characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons, the exposure or presentation of specified anatomical areas or physical contact of live males or females, and characterized by including but not limited to photography, dancing, stripping, reading massage, male or female impersonation, and similar functions which utilize activities as specified below:
 - (a) **Specified Sexual Activities:**
 - (1) Human genital in a state of sexual stimulation or arousal;
 - (2) Acts, real or simulated, of human masturbation, sexual intercourse, sodomy, cunnilingus, or fellatio;
 - (3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breasts.
 - (b) **Specified Anatomical Areas:**
 - (1) Less than completely and opaquely covered human genitals, pubic region, buttock, and female breasts below a point immediately above the top of the areola; and
 - (2) Human male genitals in a discernible turgid state even if completely and opaquely covered.

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

1402 Specific Terms (CONT.)

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.

1402 Specific Terms (CONT.)

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**

1402 Specific Terms (CONT.)

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**

1402 Specific Terms (CONT.)

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 a 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.

Family Conversion Unit: A dwelling unit incorporated into or attached to a single family dwelling for an accessory use by a family household.

Family Household: See **Family**

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.

1402 Specific Terms (CONT.)

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 habitative 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, 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.

1402 Specific Terms (CONT.)

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.

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.

1402 Specific Terms (CONT.)

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.
5. **Waterfront Lot:** Is a lot which has a portion of it abutting Lake Loramie as well as frontage on a street.

Manufactured Home: See **Factory Built Housing**

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

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

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

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

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**

1402 Specific Terms (CONT.)

Official Zoning Map: A map of McLean 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.

1402 Specific Terms (CONT.)

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.

1402 Specific Terms (CONT.)

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 temporary or permanent location on, or support of, the ground, or attachment to something already having such a location on the ground, but not including pavement, driveways, curbs, sidewalks or other open air surfaces.

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**

1402 Specific Terms (CONT.)

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."