

CLAY TOWNSHIP ZONING RESOLUTION

OTTAWA COUNTY, OHIO

Be it resolved by the Board of Township Trustees of Clay Township, Ottawa County, Ohio, in order to promote the public health, safety, morals, comfort and/or general welfare; to conserve and protect property and property values; to secure the most appropriate use of land; and/or to facilitate adequate but economical provision of public improvements, all in accordance with a Comprehensive Plan, that:

SECTION 1 - DISTRICTS

A. DISTRICTS AND GENERAL REGULATIONS

Clay Township is hereby divided into thirteen (13) Districts as follows: (2003)

<u>Symbol</u>	<u>Name</u>
A-1	Agricultural District
A-4	Rural Residential District
R-A	Suburban Residential District
R-1	One-Family Dwelling District
R-3	Multiple-Family Dwelling District
R-4	Manufactured Home Park District (1993)
C-1	Limited Commercial District
C-2	General Business Commercial District
C-3	Highway Commercial District
C-4	Entertainment Commercial District (2003)
M-1	Restricted Industrial District
M-2	Limited Industrial District
M-3	Heavy Industrial District

The location and boundaries of the Districts shall be as shown on the map entitled "Clay Township Zoning Plan, adopted 2001". A certified copy of this map is on file in the office of the Board of Clay Township Trustees and said map and all notions, dimensions and designations shown thereon are hereby declared to be a part of this Resolution.

Where there is uncertainty as to the boundaries of any of the districts shown on the aforesaid map, the following shall apply:

1. The district boundary lines are intended to follow street, alley, lot or property lines as they exist at the time of the passage of this Resolution unless otherwise indicated by dimensions on the Zoning Map. In case of the vacation of a street, alley, water course or other right-of-way, the abutting zoning classification on each side thereof shall automatically be extended to the center line of said vacant street, alley, water course or right-of-way.
2. Where boundaries appear to approximately follow such aforesaid lines and are not more than ten (10) feet distant therefrom, such lines shall be construed to be the boundary unless specifically shown otherwise.

B. GENERAL REGULATIONS

1. Except as hereinafter provided, it shall be unlawful to locate, erect, construct, reconstruct, enlarge or structurally alter any building except in conformity with the regulations of the District in which such building is located.
2. Except as hereinafter provided it shall be unlawful to use any land or building for any purpose other than is permitted in the District in which such land or building is located.
3. No open space provided about any building for the purpose of complying with the provisions of this Resolution shall be considered as providing open space for any other building.
4. No parcel of land held under one ownership, with or without buildings, at the time this Resolution became effective, shall be reduced nor shall any parcel be subdivided in any manner below the minimum lot width and lot area required by this Resolution.
5. Exceptions to these regulations in specific cases may be authorized by the Board of Zoning Appeals where there are practical difficulties or unnecessary hardships in carrying out the strict letter of this Resolution providing such exception is in harmony with the general procedures specified in Section 16. Hardship shall be based on physical limitations of the land and does not encompass financial considerations.
6. No pigs, cows or fowl shall be allowed or suffered to remain on any parcel or parcels or lot or lots of less than one (1) acre in area.
7. Every residence hereafter erected or structurally altered shall be located on a lot as herein defined, and in no case, shall there be more than one (1) residence on one (1) lot except as specifically provided herein.

C. USES EXEMPTED FROM PROVISIONS OF RESOLUTION

1. This zoning resolution is effective to the full extent allowed by law. Certain laws limit the effect of zoning resolutions. These laws are contained in Sections 519.21 and 519.211 of the Ohio Revised Code.

However, these code sections have exceptions wherein zoning resolutions are effective. These exceptions are noted at Sections 519.211 (B), 519.211 (C), and 519.21 (B) of the Ohio Revised Code. This zoning resolution is effective in all of the noted exception areas and they are incorporated herein by reference.

Exceptions, authorized by future amendments to these sections by the Ohio legislature, shall also be effective for purposes of this zoning resolution.

In general, Sections 519.21 and 519.211 prohibit regulations of certain agricultural uses, public utilities, railroads, liquor sales, oil and gas production, and telecommunication towers.
(2003)

SECTION 2

DEFINITIONS

For the purpose of this Resolution certain terms and words are herein defined as follows:

The words "used for" include "designed for" and vice versa; words used in the present tense include the future; words in the singular number include the plural number and vice versa; the word "building" includes the word "structure"; the word "dwelling" includes the word "residence"; the word "lot" includes the word "plot" or "parcel"; and the word "shall" is mandatory and not directory.

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

ADULT ARCADE: Any place to which the public is permitted and or/charged an admittance fee wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where the images so displaced are distinguished or characterized by the depicting or describing of nudity or sexual or genital areas. (2003)

ADULT BOOKSTORE: Any establishment which utilizes ten (10) percent or more of its retail selling area for the purpose of retail sale or rental or for the purpose of display by coin-operated or slug-operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices, books, magazines, periodicals, films, tapes, and cassettes which are distinguished by their emphasis on adult materials or characterized by the depicting or describing of nudity or genital areas. (2003)

ADULT CABARET: A nightclub, bar, restaurant, or similar establishment in which persons appear in a state of nudity in the performance of their duties. (2003)

ADULT HEALTH CLUB: Any establishment that provides equipment and facilities for exercising and improving physical fitness where employees and/or patrons appear in a state of nudity. (2003)

ADULT MATERIAL: Any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure image, description, motion picture film, phonographic record or tape, other tangible thing, or any service, capable of arousing interest through sight, sound, or touch, and which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination; or which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination. (2003)

ADULT MOTION PICTURE THEATRE: A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified anatomical areas or specified sexual activities, nudity, or sexual or genital areas. (2003)

AGRICULTURE: The use of land for farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry; including but not limited to the care and raising of livestock, equine, and fur bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production. (2003)

AIRPORT OR AIRCRAFT LANDING FIELD: Any runway, landing area, or other facility designed and/or used either publicly or privately by any person for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings, and open spaces.

ALLEY: A public thoroughfare less than thirty (30) feet wide.

ALTERATION, STRUCTURAL: Any change which would tend to prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams, or girders.

APARTMENT: Same as "Dwelling Unit".

APARTMENT HOTEL: A building or portion thereof designed for or containing both individual guest rooms or suites of rooms and dwelling units.

APARTMENT HOUSE: Same as "Dwelling, Multiple".

AUTOMOBILE, RECREATIONAL TRAILER, AND MANUFACTURED HOME SALES AREA: An open area, other than a street, used for the display or sale of new or used automobiles, recreational vehicles or manufactured homes, and where no repair work is done except minor incidental repair of automobiles, recreational vehicles or manufactured homes to be displayed and sold on the premises. (2003)

AUTOMOBILE SERVICE STATION: Any premises used for supplying gasoline and oil at retail direct to the customer, including minor accessories and services for automobiles.

AUTOMOBILE WRECKING: The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

AUTOMOBILE WRECKING YARD: Any place where two (2) or more motor vehicles not in running condition, or parts thereof are stored in the open, in a fenced area or in a partially enclosed building, and are not restored to operation; or any land used for wrecking or storing of such motor vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating condition.

AUTOMOTIVE REPAIR: The repair, rebuilding, or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.

BALCONY: A railing enclosed platform projecting from the outer wall of a building.

BASEMENT: A story partly or wholly underground. For purposes of height measurement a basement shall be counted as a story where more than one-half of its height is above the average level of the adjoining ground.

BILLBOARD OR POSTER PANEL: Any sign or advertisement used as an outdoor display for the purpose of making anything known, the origin of point of sale of which is remote from said display.

BOARD: Shall mean the Board of Zoning Appeals.

BOARD OF TOWNSHIP TRUSTEES: The Board of Township Trustees of Clay Township, Ottawa County, Ohio.

BOARDING HOUSE: A building or portion thereof, other than a hotel where meals, or lodging and meals for five (5) or more persons are provided for compensation.

BUILDING: A structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals or chattels. When separated by division walls from the ground up without openings, each portion of such building shall be deemed a separate building.

BUILDING, COMMUNITY: A building for social, educational, and recreational activities of a neighborhood or community, provided any such use is not operated for commercial gain.

BUILDING, FRONT LINE OF: The line of that face of the building nearest the front line of the lot. This face includes sun parlors or covered porches whether enclosed or unenclosed but does not include steps.

BUILDING, MAIN: A building in which is conducted the principal use of the lot on which it is situated.

BUILDING, UNIT GROUP: Two or more buildings (other than dwellings) grouped upon a lot and held under one ownership, such as University, Hospitals, and Institutions.

BUILDING HEIGHT: The vertical distance measured from the adjoining curb grade to the highest point of the roof surface, if a flat roof; to the deck-line of a mansard roof; and to the mean height level between eaves and ridges for a gable, hip or gambrel roof, provided that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished grade along the front of the building.

BUSINESS, GENERAL: Retail and service establishments which, in addition to catering to the daily needs of the community for convenience goods and services, also include establishments offering comparative type shopping facilities. General business includes, but is not limited to, supermarkets and stores for the sale of drugs, hardware, appliances, furniture, apparel, foot-ware, business and personal services, professional services, offices and other similar or related activities which can be grouped by design into a unified shopping center.

BUSINESS, HIGHWAY: Includes commercial uses requiring locations on (or near) major thoroughfares and/or their principal intersections. Highway uses include motels, gas stations, restaurants, drive-in establishments, auto and farm implement sales and services, building trades and services, certain commercial recreation uses, and similar commercial activities.

BUSINESS, NEIGHBORHOOD: Retail and service establishments which cater to and can be located in close proximity to or within residential districts without creating undue vehicular congestion, excessive noise, or other objectionable influence. To prevent congestion, local retail and service uses include only those enterprises which normally employ less than ten (10) persons. Permitted uses include drug stores, beauty salons, barber shops, carry-outs, dry cleaning and laundry pickup facilities, and hardware and grocery stores if less than 10,000 square feet of floor area. Other small businesses of and equally restricted in local nature may be permitted, based on the discretion of the Board of Zoning Appeals.

BUSINESS SERVICES: Any activity conducted for gain which renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes or business.

CAMPGROUND: See "Trailer Camp".

CAMP, TRAILER: See "Trailer Camp".

CLINIC: An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a physician or group of physicians.

CLUB: A building or portion thereof or premises owned or operated by a corporation, association, person, or persons for a social, educational, or literary purpose, but not primarily for profit or to render a service which is customarily carried on as a business. (1993)

CERTIFICATE OF OCCUPANCY: See "Zoning Certificate".

COMMERCIAL ENTERTAINMENT FACILITIES: Any activity conducted for gain which is generally related to the entertainment field, such as motion picture theatres, night clubs, and similar entertainment facilities.

COMMISSION: The Zoning Commission of Clay Township, Ottawa County, Ohio.

COMPREHENSIVE PLAN: The Comprehensive Development Plan, or any portion thereof, adopted by the Ottawa Regional Planning Commission and the Board of County Commissioners of Ottawa County, Ohio showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major streets, parks, schools, and other community facilities. This Plan establishes the goals, objectives, and policies of Ottawa County.

CONDITIONAL USE: A use which is subject to conditional approval by the Board of Zoning Appeals. A conditional use may be granted by the Board of Zoning Appeals only when there is a specific provision for such a special exception made in this Resolution. A conditional use is not considered to be a non-conforming use.

COURT: An open, unoccupied space, other than a yard, on the same lot with a building or group of buildings and which is bounded on two or more sides by such building or buildings.

COURT, INNER: A court other than an outer court. The length of an inner court is the minimum horizontal dimension measured parallel to its longest side. The width of an inner court is the minimum horizontal dimension measured at right angles to its length.

COURT, OUTER: A court which opens onto a required yard, or street or alley. The width of an outer court is the minimum horizontal dimension measured in the same general direction as the yard, street or alley upon which the court opens. The depth of an outer court is the minimum horizontal dimension measured at right angles to its width.

CURB GRADE: The elevation of the established curb in front of the building measured at the center of such front. Where no curb grade has been established, the County Engineer shall establish such curb grade or its equivalent for the purpose of this Resolution.

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

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

DISTRICTS, ZONING: Administrative tracts designating the uses to which land can legally be utilized. Boundaries of the districts are shown on the zoning map which is a part of this Resolution.

DRIVE-IN COMMERCIAL USES: Any retail commercial use providing considerable off-street parking and catering primarily to vehicular trade such as drive-in restaurants, theatres, and similar uses.

DRIVE-THRU CARRYOUT: An establishment that by design, physical facilities, or service encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles. (2008)

DWELLING: A building or portion thereof designed exclusively for residential occupancy including one-family, two-family, multiple-family dwellings and HUD approved manufactured homes, but not including hotels, boarding and rooming houses, motels, tents, tent trailers, trailer coaches, automobile trailers, recreational vehicles, and other structures designed for and/or constructed with wheels, whether or not said wheels remain attached to the structure or are separated therefrom. (2003)

DWELLING UNIT: One or more rooms in a dwelling or apartment hotel designed for occupancy by one (1) family for living purposes and having cooking facilities.

DWELLING, ONE-FAMILY: A detached building designed exclusively for occupancy by one (1) family.

DWELLING, TWO-FAMILY: A building designed exclusively for occupancy by two (2) families living independently of each other, including a duplex, (one dwelling unit above the other) or a semi-detached dwelling (one dwelling beside the other).

DWELLING, MULTIPLE-FAMILY: A building or portion thereof, designed for occupancy by three (3) or more families living independently of each other.

DWELLING, ROW: A row of three (3) to six (6) attached, one-family dwellings, not more than two (2) rooms deep.

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

EDUCATIONAL INSTITUTE: A college or university giving general academic instruction equivalent to the standards prescribed by the State Board of Education.

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

FAMILY: Up to five (5) persons above the age of eighteen (18) and up to six (6) persons below the age of eighteen (18) who are related by blood, adoption, marriage, or guardianship to any of the first five above eighteen (18) years of age. (2003)

FARM POND: A pond, pool, or basin used for permanent storage of water runoff, but not including structures using water for landscaping purposes and containing less than 400 square feet of area. (1993)

FARM VACATION ENTERPRISES: Farms adapted for uses as vacation farms, picnicking and sports areas, fishing waters, camps, scenery, and natural recreation areas; hunting areas; hunting preserves and watershed projects.

FORESTRY: The growing and care of trees for commercial purposes, including the cutting and marketing of timber.

FRONTAGE: All the property fronting on one (1) side of a street between the two nearest intersecting streets, or other natural barriers.

GARAGE, PRIVATE: A detached accessory building or portion of a main building for the parking or temporary storage of automobiles of the occupants of the premises, and wherein (a) not more than one space is rented for parking to persons not resident on the premises; (b) not more than one (1) commercial vehicle per dwelling unit is parked or stored; and (c) the commercial vehicles permitted do not exceed five (5) tons capacity.

GARAGE, PUBLIC: A building other than a private garage used for the care, repair, or equipment of automobiles, or where such vehicles are parked or stored for remuneration, hire or sale.

GUEST HOUSE: Living quarters within a detached accessory building located on the same premises with the main building, for use by temporary guest of the occupants of the premises; such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling.

HIGH IMPACT WIND POWERED ELECTRIC GENERATOR: A wind energy conversion system consisting of a wind turbine, a tower, and associated controls or conversion electronics which has a rated capacity of more than 100 kW. (2008)

HIGHWAY, MAJOR: A street or road of considerable continuity and used primarily as a traffic artery for intercommunication among large areas such as a state route.

HOME OCCUPATION: The use of a part of a single-family dwelling or a garage containing 600 square feet or less for pursuits compatible with a domestic household. Such uses include, but are not limited to the following: offices for professionals such as architects, doctors, insurance agents, lawyers, real estate agents, etc.; personal services including barber shops beauty parlors, manicure & pedicure shops, pet grooming, etc.; instructional services such as music, dance, arts & crafts, etc.; babysitting services; studios for artists, musicians, photographers, etc.; workrooms for tailors, dressmakers, carpenters, etc.; and repair services including watch & clock, small appliance, computers, lawnmowers, etc. All of the following conditions must be met:

- a. No person other than members of the family residing on the premises shall be engaged in such occupation conducted in the dwelling or garage containing 600 square feet or less;
- b. Permitted activities shall include the making, servicing or repairing of goods, wares, or merchandise or the providing of goods or services for hire or gain.
- c. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and

- not more than 25% of the total floor area of the dwelling unit shall be used in the conduct of the home occupation;
- d. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation other than one (1) sign as permitted in Section 12d of this Resolution;
 - e. No external storage of goods or materials outside of the dwelling or garage shall be permitted;
 - f. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of the home occupation shall be met using off-street parking;
 - g. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot;
 - h. The home occupation shall not create or become a public nuisance; and
 - i. The Board of Zoning Appeals, after due process including at a minimum an investigation by the zoning inspector and a public hearing, shall have the authority to revoke the authorization of the single-family dwelling or garage containing 600 square feet or less as a home occupation if any of the above conditions are violated. (2003)

HOME OFFICE: An accessory use in which work for compensation is undertaken within the primary residential structure, including but not limited to, receiving or initiating correspondence such as phone calls, mail, faxes, or e-mails; preparing or maintaining business records; word and data processing; and telephone, mail order, and off-premise sales. No customer/client on-site visitations shall occur. There shall be no non-resident employees and no more than twenty-five (25) percent of the residential floor area shall be used in the conduct of the home office.

Delivery trucks used to deliver necessary supplies are limited to passenger vehicles, mail carriers, and express carriers such as UPS. (2003)

HOTEL: Any building or portion thereof which contains guest rooms which are designed or intended to be used, let or hired out for occupancy, by, or which are occupied by ten (10) or more individuals for compensation, whether the compensation be paid directly or indirectly.

INDUSTRIAL PARK: Any parcel containing more than one (1) industry.

INSTITUTION: Buildings or land occupied by a nonprofit corporation or establishment for public use.

INSTITUTIONAL HOME: A place for the care of babies, children, pensioners or old people, except those for correctional or mental cases.

JUNK YARD: See Automobile Wrecking Yard.

KENNEL: Any lot or premises on which four (4) or more dogs, more than four (4) months of age, are kept.

LOADING SPACE: An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or

materials, and which abuts upon a street or other appropriate means of access.

LOT: Land occupied or to be occupied by a building, or unit group of buildings, and accessory buildings, together with such yards and lot area as are required by this Resolution, and having its principal frontage upon a street, or a place approved by the Commission.

LOT AREA: The total horizontal area within the lot lines of a lot.

LOT, CORNER: A lot, or portion thereof, not greater than one hundred (100) feet in width and situated at the intersection of two (2) or more streets, having an angle of intersection of not more than 135 degrees.

LOT COVERAGE: Percentage of lot coverage shall be the ratio of enclosed ground floor area of all buildings to the horizontally projected area of the lot.

LOT DEPTH: The horizontal distance between the front and rear lot lines, measured along the median between the two side lot lines.

LOT OF RECORD: Any lot which individually or as a part of a subdivision has been recorded in the Office of the Recorder of Deeds in Ottawa County.

LOT, INTERIOR: A lot other than a corner lot.

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

LOT, MINIMUM AREA OF: The area of a lot computed exclusive of any portion of the right-of-way of any public thoroughfare or of any easement.

LOT REVERSED CORNER: A corner lot the side street line of which is substantially a continuation of the front lot line of the lot to its rear.

LOT, THROUGH: An interior lot having frontage on two (2) or more streets.

LOT WIDTH: The continuous, uninterrupted width of a lot at the building set-back line measured at right angles to its depth. The width of lots fronting on a cul-de-sac shall be the chord distance between side lot lines for the curve coinciding with the required depth of the front yard. (1993)

LOW IMPACT WIND POWERED ELECTRIC GENERATOR: A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics which has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power. (2008)

MANUFACTURED HOME: A building unit or assembly of closed construction that is fabricated in an off site facility and constructed in conformance with federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974" 88 Stat. 700, 42 U.S.C.A. 5401, 5403 and has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards. (2003)

MANUFACTURED HOME PARK: Any tract of land upon which three (3) or more manufactured homes used for habitation are parked, either free of charge

or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used/intended for use as a part of the facilities of said park. (2003)

MANUFACTURING: Any production or industrial processing including food processing which combines one or more raw materials or components into a product or which changes the nature or the materials entering the process.

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

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

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

MASSAGE: Any method of exerting pressure on, stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating, the external soft tissue of the body with the hands, or with the aid of any mechanical or electrical apparatus or appliance. (2003)

MASSAGE ESTABLISHMENT: Any fixed place of business where a person offers massages to patrons for a fee which may be in connection with the provision of another legitimate service. (2003)

MASSEUR OR MASSEUSE: Any individual who performs massages at a massage establishment. (2003)

MINI-WAREHOUSE (STORAGE): A structure containing separate storage spaces usually containing from one hundred (100) to four hundred (400) square feet each with direct access to stoned or paved driveways and leased or rented on an individual basis. (1997)

MOBILE HOME: Same as MANUFACTURED HOME.

MOBILE HOME PARK: Same as MANUFACTURED HOME PARK.

MODULAR HOME: Same as "Mobile Home".

MOTEL: A building or group of buildings in which lodging or boarding and lodging are provided and offered to the transient public for compensation including auto courts and motor lodges.

NONCONFORMING USES: The use of land or a building or portion thereof, lawfully existing at the time this Resolution or amendments thereto become effective, which does not conform with the use regulations of the district in which it is situated.

NUDE OR NUDITY: Showing of either the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering or the

female breast with less than a full opaque covering on any part of the nipple. (2003)

NURSING HOME: Is an establishment where persons are housed or lodged and furnished with meals and nursing or convalescent care for hire.

NURSERY SCHOOL: A school designed to provide day-time care for instruction of two (2) or more children from two (2) to five (5) years of age inclusive, and operated on a regular basis.

OPEN SPACE: An area open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, swimming pools, tennis courts, and any other recreational facilities that the Planning Commission deems permissive. Streets, structures for habitation, and the like shall not be included.

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

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

PLANT CULTIVATION: The cultivation of crops, fruit trees, nursery stock, truck garden products and similar plant materials outside of structures, such as greenhouses, but not including such plant cultivation as is conducted on residential properties for the primary benefit of the resident family.

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

PUBLIC SERVICE FACILITY: The erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.

PUBLIC USES: Public parks, schools, and administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

PUBLIC WAY: An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway right-of-way, sidewalk, street, subway, tunnel, viaduct, walk, or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

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

RECREATIONAL FACILITIES:

- a. Noncommercial Recreational Facilities: Private and semipublic recreational facilities which are not operated for commercial gain, including private country clubs, riding clubs, golf courses, game

preserves, ski slopes, hunting and trapping, and other private noncommercial recreation areas and facilities or recreation centers including private community swimming pools. Noncommercial recreational facilities may be leased to outside groups and organizations provided the fee for such purpose is limited to incidental maintenance and custodial expense.

- b. Commercial Recreational Facilities: Recreational facilities open to the public and operated for a profit such as ski lodges, swimming pools, ice skating rinks, riding stables, race tracks, amusement parks, carnivals, boat docks (including launching and maintenance), boating supplies, fishing piers, trailer camps, and similar commercial enterprises.

RESEARCH ACTIVITIES: Research, development, and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering. All research, testing and development shall be carried

on within entirely enclosed buildings, and no noise, smoke, glare, vibration, or odor shall be detected outside of said building.

RETAIL STORE: A store serving a limited local area or neighborhood selling commodities, not processed on the premises, direct to the public.

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

ROOMING HOUSE: A building or portion thereof, other than a hotel, where lodging for five (5) or more persons is provided for compensation.

SCHOOL, ELEMENTARY AND HIGH: An institution which offers instructions in the several branches of learning and study required to be taught in the public schools by the Ohio School Code. High schools include Junior and Senior.

SETBACK LINE: A line established by the subdivision regulations and/or zoning resolution, generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory building, or structure may be located above ground, except as may be provided in said codes. (See Yards) (1993)

SEXUAL OR GENITAL AREA: Includes the genitalia, pubic area, anus, perineum of any person, and the breasts of a female. (2003)

SEXUALLY ORIENTED BUSINESS: Any of the following: adult arcade, adult bookstore, adult cabaret, adult health club, adult motion picture theater. (2003)

SEWERS, CENTRAL OR GROUP: An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

SEWER, ON-SITE: A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health & sanitation officials with jurisdiction.

SHOPPING CENTER, NEIGHBORHOOD: A building or set of buildings designed for local retail establishments and shall be laid out and developed as a unit according to an approved plan to serve the neighborhood.

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

SIGN, ADVERTISING: A sign which directs attention to a business, commodity, or service or entertainment conducted, sold or offered elsewhere than on the premises and only incidentally on the premises, if at all, and be in conformance with any existing Federal, State, or County statute, law, ordinance, or regulation, as amended.

SIGN, BILLBOARD: Any sign situated on private premises with an area greater than one hundred (100) square feet on which the written or pictorial information is not directly related to the principal use of the land on which such sign is located, and be in conformance with any existing Federal, State, or County statutes, laws, ordinances, or regulations, as amended.

SIGN, BUSINESS: A sign which directs attention to a business or profession conducted on the premises. A "For Sale" sign or a "For Rent" sign relating to the property on which it is displayed shall be deemed a "business sign".

SIGN, TEMPORARY: Any sign which can be removed from the parcel without the use of tools, machinery or vehicles. (10/18)

SPECIAL EVENT: An event that is in existence at a fixed location for a temporary fixed period of time with the intent to discontinue such event upon the expiration of the time period. Special events shall include, but not be limited to: carnivals, circuses, public exhibitions, revivals and the like.

SPECIFIED ANATOMICAL AREAS: Means the male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals. (2003)

SPECIFIED SEXUAL ACTIVITIES: Includes any of the following: 1) the fondling or other erotic touching of human genital, pubic region, buttock, anus, or female breasts; 2) sex acts, actual or simulated, including intercourse, oral copulation or sodomy; 3) masturbation, actual or simulated; or 4) excretory functions as part of or in connection with any of the activities 1-3 above. (2003)

STATE LICENSED DAY CARE: A facility administering to the needs of infants, toddlers, pre-school children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four hour day in a place or residence other than the child's own home. (1993)

STORY: That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between such floor and ceiling next above it.

STORY, HALF: A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

STREET: Same as "Thoroughfare".

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

TERRACE: A raised platform supported on one or more sides by a wall or a bank of earth.

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

- a. Alley: A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
- b. Arterial Street: A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.
- c. Collector Street: A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
- d. Cul-de-Sac: A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
- e. Dead-end Street: A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
- f. Local Street: A street primarily for providing access to residential, commercial, or other abutting property.
- g. Loop Street: A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the one hundred and eighty (180) degree system of turns are not more than one thousand (1,000) feet from said arterial or collector street, nor normally more than six hundred (600) feet from each other.
- h. Marginal Access Street: A local or collector street parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called Frontage Street.)

TRAILER CAMP: An area of land on which two or more travel trailers, campers, tents, or other similar recreational structures are accommodated, not more than fifteen (15) days in any one thirty-day period, with or without charge. Accessory buildings and uses customarily incidental to any use of this camp are permitted, including the sale of food and refreshments, provided such accessory facilities are for the exclusive use of camp occupants.

TRAILER, SMALL UTILITY: Any trailer drawn by passenger automobile, used for the occasional transport of personal effects.

TRANSITIONAL USE: Any use which is specifically permitted in a district as a transition or buffer to separate uses which are not compatible to each other.

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

VARIANCE: A variance is a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

VETERINARY ANIMAL HOSPITAL OR CLINIC: A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation and/or recuperation.

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

WAREHOUSING AND WHOLESALE ACTIVITIES: The receiving, storage, sale, and distribution of manufactured products and equipment, such as storage to be within wholly enclosed structures or buildings.

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

1. Yard, Front: A yard extending between side lot lines across the front of a lot and from the edge of the road right-of-way to the front of the principal building. (1996)
2. Yard, Rear: A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.
3. Yard, Side: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

ZONING CERTIFICATE OR PERMIT: A document issued by the zoning inspector authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

SECTION 3

"A-1" AGRICULTURAL DISTRICT

- A. USES PERMITTED: After obtaining a valid certificate of occupancy in accordance with Section 19, the following uses are permitted:
1. Agriculture
 2. One-family dwelling
 3. Public uses
 4. Forestry
 5. Government buildings and/or premises
 6. Accessory Buildings and Uses as provided in Section 15-A
 7. Farm ponds meeting the following criteria and conditions.
 - a. Applicants must obtain written approval of pond location from the Ottawa County Board of Health and the Ottawa County Engineer's Office. These approvals are meant to meet the requirements of the particular office and the remaining conditions of Section 12 H shall be met.
 - b. Soil retention plans shall be submitted with the application.
 - c. A pond or portion of a pond shall not be constructed within a floodway.
 - d. The pond shall be a minimum of eight (8) feet deep over 25% of the pond area unless non-penetrating matter is in the area.
 - e. A minimum surface area of 1/3 acre shall be required. A maximum pond size shall not exceed 50% of land area.
 - f. The ponds slope shall be a minimum of three (3) foot horizontal to one (1) foot vertical.
 - g. For the beach area, the slope shall be a minimum of five (5) foot horizontal to one (1) foot vertical.
 - h. A water source such as watershed drain-off, field tile, stream, or other type of source must be available.
 - i. There shall be a minimum setback of seventy-five (75) feet in the front yard and thirty (30) feet in the side and rear yard. Measurement of the front yard setback shall be from the edge of the road right-of-way to the water's edge. For corner lots, both front yards shall have a minimum setback of seventy-five (75) feet. Measurement of the side and rear yard setbacks shall be from the property line to the water's edge. If a mound of dirt is incorporated as part of the pond's construction, the edge of the mound shall be kept a minimum of ten (10) feet from the property line. (2003)
 - j. No water shall be directed to flow onto existing right-of-ways or adjoining property nor shall the natural flow of drainage from adjoining lands be obstructed as a result of the construction and design of a pond. A pond over-flow pipe, 4 inch diameter minimum, into an adequate outlet shall be required.
 - k. Ponds shall be located on lots containing one (1) or more acres of land.
 - l. Technical assistance can be obtained from the Ottawa Soil & Water Conservation District. (1993)
 8. Stables and horses as provided in Section 15-I. (2003)
 9. Low impact wind powered electric generator as regulated in Section 15, Supplemental Regulations. (2008)
- B. CONDITIONAL USES: Subject to procedure of approval as provided in Section 15-E:

1. Airport or aircraft landing field.
 2. Quasi-public Uses
 3. Golf courses, except driving range or miniature golf
 4. Cemetery, columbarium, crematory, or mausoleum.
 5. Natural resource development, including the extraction of sand, gravel, fill dirt, or topsoil.
 6. Oil and gas wells
 7. Noncommercial Recreational Facilities
 8. Radio or television station or transmitter
 9. Home occupation as defined in Section 2. (2003)
 10. Accessory Buildings & Uses as provided in Section 15-A.
 11. Special Event.
 12. The placement and occupancy of a manufactured home may be permitted for reasons of health, disability, natural disaster, or construction of a home for a period of one (1) year. The permit may be renewed on an annual basis.
- C. TRANSITIONAL USES: Shall be permitted as follows on a lot which abuts any "C" or "M" District, provided such use does not extend more than two hundred (200) feet from the boundary of the less restricted district which it adjoins:
1. Public parking area when located and developed as required in Section 15-B.
- D. AUTOMOBILE PARKING: Shall be provided as required in Section 15-B.
- E. HEIGHT LIMIT: No buildings shall be erected or enlarged to exceed thirty-five (35) feet in height. (1993)
- F. AREA REQUIREMENTS:
1. Lot Area and Width: Every lot shall have a minimum width of 300 feet and a minimum area of five (5) acres except a lot to be occupied by a one-family dwelling. In lots designed for a one-family dwelling, the minimum lot width shall be 150 feet and the minimum lot area shall be one (1) acre.
 2. Front Yard: Every lot shall have a front yard of not less than fifty (50) feet.
 3. Side Yard: Every lot shall have a side yard (on each side) of not less than twenty-five (25) feet.
 4. Rear Yard: Every lot shall have a rear yard of not less than forty (40) feet.
- G. DWELLING BULK: Every dwelling unit hereafter erected or structurally altered shall have a minimum floor area on one floor level of not less than nine hundred (900) square feet exclusive of floor area devoted to basements, attached garage, porches, utility rooms, and the like.

SECTION 4

"A-4" RURAL RESIDENTIAL DISTRICT

- A. USES PERMITTED: After obtaining a valid certificate of occupancy in accordance with Section 19, the following uses are permitted:
1. One-family dwelling
 2. Agriculture
 3. Public Uses
 4. Government buildings and/or premises
 5. Accessory Buildings and Uses as provided in Section 15-A.
 6. Stables and horses as provided in Section 15-I. (2003)
- B. CONDITIONAL USES: Subject to procedure of approval as provided in Section 15-E.
1. Quasi-public Uses
 2. Cemetery
 3. Radio or television stations or transmitter
 4. Home occupations as defined in Section 2. (2003)
 5. Accessory Buildings and Uses as provided in Section 15-A
 6. Natural Resource Development, including the extraction of sand, gravel, fill dirt, or topsoil.
 7. Special Event
 8. The placement and occupancy of a manufactured home may be permitted for reasons of health, disability, natural disaster, or construction of a home for a period of one (1) year. The permit may be renewed on an annual basis.
 9. Farm Ponds subject to the criteria established in Section 3,A, 7. (1993)
 10. Low impact wind powered electric generator as regulated in Section 15, Supplemental Regulations. (2008)
- C. TRANSITIONAL USES: Shall be permitted as follows on a lot which abuts any "C" or "M" District, provided such use does not extend more than two hundred (200) feet from the boundary of the less restricted district which it adjoins:
1. Public parking area when located and developed as required in Section 15-B. (1993)
- D. AUTOMOBILE PARKING: Shall be provided as required in Section 15-B.
- E. HEIGHT LIMIT: No buildings shall be erected or enlarged to exceed thirty-five (35) feet in height. (1993)
- F. AREA REQUIREMENTS:
1. Lot area and Width: Every lot shall have a minimum width of one hundred twenty-five (125) feet and a minimum lot area of twenty-eight thousand one hundred and twenty five (28,125) square feet. (1993)
 2. Front Yard: Minimum of forty (40) feet.
 3. Side Yard: Minimum of fifteen (15) feet on each side.
 4. Rear Yard: Minimum of thirty-five (35) feet.
- G. DWELLING BULK: Every dwelling unit hereafter erected or structurally altered shall have a minimum floor area on one floor level of not less than nine hundred (900) square feet exclusive of floor area devoted to basements, attached garage, porches, utility rooms, and the like. (1993)

SECTION 5

"R-A" SUBURBAN RESIDENTIAL DISTRICT

- A. USES PERMITTED: After obtaining a valid certificate of occupancy in accordance with Section 19, the following uses are permitted:
1. One-family dwelling
 2. Agriculture
 3. Public Uses
 4. Government buildings and/or premises
 5. Accessory buildings and uses as provided in Section 15-A.
 6. Stables and horses as provided in Section 15-I. (2003)
- B. CONDITIONAL USES: Subject to procedure of approval as provided in Section 15-E.
1. Quasi-public Uses
 2. Radio or television stations or transmitter
 3. Home occupations as defined in Section 2. (2003)
 4. Accessory Buildings Uses as provided in Section 15-A
 5. Natural Resource Development, including the extraction of sand, gravel, fill dirt or topsoil.
 6. Special Event
 7. The placement and occupancy of a manufactured home may be permitted for reasons of health, disability, natural disaster, or construction of a home for a period of one (1) year. The permit may be renewed on an annual basis.
- C. TRANSITIONAL USES: Shall be permitted as follows on a lot which abuts any "C" or "M" District, provided such use does not extend more than two hundred (200) feet from the boundary of the less restricted district which it adjoins:
1. Public parking area when located and developed as required in Section 15-B. (1993) or
 2. Multiple family dwelling with a minimum lot width of one hundred (100) feet and a minimum lot area per dwelling unit of six thousand (6,000) square feet and conforming to Section 7-F.
- D. AUTOMOBILE PARKING: Shall be provided as required in Section 15-B.
- E. HEIGHT LIMIT: No buildings shall be erected or enlarged to exceed thirty-five (35) feet in height. (1993)
- F. AREA REQUIREMENTS:
1. Lot Area and Width: Every lot shall have a minimum width of eighty (80) feet and a minimum lot area of sixteen thousand (16,000) square feet.
 2. Front Yard: Minimum of thirty-five (35) feet.
 3. Side Yard: Minimum of ten (10) feet on each side.
 4. Rear Yard: Minimum of thirty (30) feet.
- G. DWELLING BULK: Every dwelling unit hereafter erected or structurally altered shall have a minimum floor area on one floor level of not less than nine hundred (900) square feet exclusive of floor area devoted to basements, attached garage, porches, utility rooms, and the like. (1993)

SECTION 6

"R-1" ONE-FAMILY DWELLING UNIT

- A. USES PERMITTED: After obtaining a valid certificate of occupancy in accordance with Section 19, the following uses are permitted;
1. One-family dwelling
 2. Agriculture
 3. Public uses
 4. Government buildings and/or premises
 5. Accessory buildings and uses provided in Section 15-A
 6. Stables and horses as provided in Section 15-I. (2003)
- B. CONDITIONAL USES: Subject to procedure of approval as provided in Section 15-E.
1. Two-family dwelling
 2. Home occupations as specified in Section 2. (2003)
 3. Natural Resource Development, including the extraction of sand, gravel, fill dirt, or topsoil.
 4. Special Event
 5. The placement and occupancy of a manufactured home may be permitted for reasons of health, disability, natural disaster, or construction of a home for a period of one (1) year. The permit may be renewed on an annual basis.
- C. TRANSITIONAL USES: Shall be permitted as follows on a lot which abuts any "C" or "M" District, provided such use does not extend more than two hundred (200) feet from the boundary of the less restricted district which it adjoins:
1. Public parking area when located and developed as required in Section 15-B. (1993) or
 2. Multiple family dwelling with a minimum lot width of one hundred (100) feet and a minimum lot area per dwelling unit of six thousand (6,000) square feet and conforming to Section 7-F. (1993)
- D. AUTOMOBILE PARKING: Shall be provided as required in Section 15-B.
- E. HEIGHT LIMIT: No buildings shall be erected or enlarged to exceed thirty-five (35) feet in height. (1993)
- F. AREA REQUIREMENTS:
1. Lot Area and Width:
 - a. One-family dwelling: Minimum lot width of seventy-five (75) feet and a minimum lot area of ten thousand (10,000) square feet.
 - b. Two-family dwelling: Minimum lot width of one hundred (100) feet and a minimum lot area of fifteen thousand (15,000) square feet.
 2. Front Yard: Minimum of thirty (30) feet.
 3. Side Yard:
 - a. One-family dwelling: Minimum of ten (10) feet on each side.
 - b. Two-family dwelling: Minimum of fifteen (15) feet on each side.

4. Rear Yard: Minimum of twenty-five (25) feet for all structures.

G. DWELLING BULK: Every dwelling unit hereafter erected or structurally altered shall have a minimum floor area on one floor level of not less than nine hundred (900) square feet exclusive of floor area devoted to basements, attached garage, porches, utility rooms, and the like. (1993) For two-family dwellings, the minimum dwelling bulk is one thousand five hundred (1,500) square feet of total living area.

SECTION 7

"R-3" MULTIPLE-FAMILY DWELLING DISTRICT

- A. USES PERMITTED: After obtaining a valid certificate of occupancy in accordance with Section 19, the following uses are permitted:
1. One-family dwelling
 2. Agriculture
 3. Public Uses
 4. Government buildings and/or premises
 5. Accessory buildings and uses as provided in Section 15-A
 6. Two-family dwelling
 7. Multiple-family dwellings
- B. CONDITIONAL USES: Subject to procedure of approval as provided in Section 15-E.
1. Home occupations as specified in Section 2. (2003)
 2. Manufactured Home Parks as regulated in Section 15-C.
 3. Natural Resource Development, including the extraction of sand, gravel, fill dirt or topsoil.
 4. Special Event
 5. The placement and occupancy of a manufactured home may be permitted for reasons of health, disability, natural disaster, or construction of a home for a period of one (1) year. The permit may be renewed on an annual basis.
- C. TRANSITIONAL USES: Shall be permitted as follows on a lot which abuts any "C" or "M" District, provided such use does not extend more than two hundred (200) feet from the boundary of the less restricted district which it adjoins:
1. Public parking area when located and developed as required in Section 15-B. (1993)
- D. AUTOMOBILE PARKING: Shall be provided as required in Section 15-B.
- E. HEIGHT LIMIT: No buildings shall be erected or enlarged to exceed thirty-five (35) feet in height for one and two family dwellings. For multiple-family dwellings, no building shall be erected or enlarged to exceed forty (40) feet in height. (1993)
- F. AREA REQUIREMENTS:
1. Lot Area and Width:
 - a. One-family dwellings: Minimum lot width of seventy-five (75) feet and minimum lot area of ten thousand (10,000) square feet.
 - b. Two-family dwellings: Minimum lot width of ninety (90) feet and minimum lot area of twelve thousand (12,000) square feet.
 - c. Multiple-family dwellings: Minimum lot width of one hundred ten (110) feet and minimum lot area of six thousand (6,000) square feet/unit.
 2. Front Yard: Minimum of thirty (30) feet.
 3. Side Yard: For one-family dwellings, the minimum side yard shall be eight (8) feet on each side, for two-family dwellings, the minimum is ten (10) feet on both sides, for multiple-family dwellings, the minimum is fifteen (15) feet on each side.
 4. Rear Yard: Minimum of twenty-five (25) feet.

G. DWELLING BULK:

1. One-family dwelling: Minimum of eight hundred (800) square feet.
2. Two-family dwelling: Minimum of twelve hundred (1,200) square feet.
3. Multiple-family dwellings: Minimum of six hundred (600) square feet/unit.

SECTION 8

"MHP" MANUFACTURED HOME PARK DISTRICT (1993)

- A. Uses Permitted - after obtaining a valid zoning certificate/permit:
1. Manufactured Home Park
- B. General Standards: The proposed development shall meet the following minimum requirements:
1. The proposed site shall contain not less than ten (10) acres and it shall have not less than twenty-five (25) manufactured home spaces at first occupancy.
 2. The minimum width of the manufactured home development shall not be less than two hundred (200) feet. The ratio of width to depth shall not exceed a one to five (1:5) ratio.
 3. The minimum floor area of each manufactured home shall be at least seven hundred (700) square feet.
 4. The manufactured homes must be completely skirted with materials similar to the unit in color and material to prevent uncontrolled access to the unit.
 5. The maximum building height shall be thirty (30) feet.
 6. A greenbelt planting strip of twenty (20) feet shall be placed around the entire perimeter of the park. No structure of any type shall be allowed to locate within this strip.
 7. No commercial sales of any type shall be permitted to occur within the park.
 8. All other requirements of the Ohio Public Health Council through the Ohio Administrative Code shall be met.
 9. The plans shall be submitted to the Zoning Inspector for his review and approval. Any plans not meeting all of these requirements will be disapproved. Incomplete plans will not be accepted or reviewed. The zoning inspector will have thirty (30) days in which to review the plans and either authorize or deny the zoning permit. An appeal of the zoning inspector's decision must be made to the Board of Zoning Appeals within fifteen (15) days.
 10. A single identification sign not exceeding sixteen (16) square feet in area identifying the name and/or address of the park shall be permitted. Said sign must be set back a minimum of ten (10) feet from the edge of the road right-of-way.

SECTION 9

"C-1" LIMITED COMMERCIAL DISTRICT

- A. USES PERMITTED: After obtaining a valid certificate of occupancy in accordance with Section 19, the following uses are permitted:
1. One-Family dwelling.
 2. Retail establishments of local nature for the retail sale of meat, fruit, dairy products, etc. as well as shops: hobby, bicycle, upholstery, sign painting, plumbing, etc., if conducted within an enclosed building.
 3. Personal services (including shoe repair, watch repair, radio and TV repair, etc.).
 4. Professional activities including doctors, dentists, attorneys, real estate, insurance, architects, engineers, radio and television stations and towers, etc.
 5. Public uses.
 6. Public parking areas when located and developed as required in Section 15-B.
 7. Agriculture.
 8. Accessory buildings and uses as provided in Section 15-A.
 9. State licensed day care, in addition to the "C-1" regulations, the following restrictions shall be met:
 - a. Six (6) foot privacy fence attached to the building enclosing the playground.
 - b. Adequate planning for driveway, parking, and traffic circulation pattern.
 - c. Adequate fire protection.
 10. Mini-Warehouse (Storage) subject to the requirements in Section 15. (1997)
 11. Low impact wind powered electric generator as regulated in Section 15, Supplemental Regulations. (2008)
- B. CONDITIONAL USES: Subject to procedure of approval as provided in Section 15-E.
1. Business Offices and Banks.
 2. Taverns and Restaurants.
 3. Quasi-public uses.
 4. Drive-in food establishments (ice cream, soft drinks, hamburger chains, etc.).
 5. Automobile Service Station, provided that activities other than the pumping of gasoline are in an enclosed building.
 6. Natural Resource Development, including the extraction of sand, gravel, fill dirt, or topsoil.
 7. Accessory buildings and uses as provided in Section 15-A.
 8. Special Event.
- C. AUTOMOBILE PARKING AND LOADING: Shall be provided as required in Section 15-B.
- D. HEIGHT LIMIT: No buildings shall be erected or enlarged to exceed thirty-five (35) feet in height. (1993)
- E. AREA REQUIREMENTS:
1. Lot Area and Width: For one-family dwellings, the minimum lot width shall be seventy-five (75) feet and a minimum lot area of seven thousand five hundred (7,500) square feet. For other buildings, the minimum lot width shall be sixty (60) feet and the minimum lot area shall be four thousand eight hundred (4,800) square feet.

2. Front Yard: Lots for one-family dwellings: minimum of fifty (50) feet; lots for other buildings: minimum of fifty (50) feet. (1996)
3. Side Yard: Lots for one-family dwellings: minimum of five (5) feet on each side; lots for other buildings: none required except for lots abutting any "A" or "R" District in which case the side yards shall be a minimum of ten (10) feet on each side.
4. Rear Yard: Lots for one-family dwellings: minimum of twenty (20) feet; lots for other buildings: minimum of ten (10) feet.

F. DWELLING BULK: One-family dwellings: minimum of eight hundred (800) square feet, other buildings: minimum of seven hundred twenty (720) square feet.

G. COURTS:

1. Outer Courts: An outer court with window openings shall have a width not less than two-thirds (2/3) of the height of the building above the floor level of the lowest story containing such openings, but in no case less than fifteen (15) feet. Outer courts need not be more than twenty (20) feet wide when their depth does not exceed thirteen (13) feet. The depth of an outer court shall not be greater than two (2) time its width.

In the case of irregular courts, the required minimum width of the court may be deemed to be the average width.

In the case of courts, the sides of which are formed by wings of unequal height, the average of such heights shall be used to determine the required width of the court.

2. Inner Courts: The least dimension of an inner court with window openings shall be not less than two thirds (2/3) of the average height of the building above the floor level of the lowest story containing such openings.

SECTION 10

"C-2" GENERAL BUSINESS COMMERCIAL DISTRICT

- A. USES PERMITTED: After obtaining a valid certificate of occupancy in accordance with Section 19, the following uses are permitted;
1. One-family dwelling.
 2. Retail establishments of local nature for the retail sale of meat, fruit, dairy products, etc. as well as shops: bicycle, upholstery, sign painting, plumbing, etc., if conducted within an enclosed building.
 3. Personal services (including shoe repair, watch repair, radio & TV repair, etc.).
 4. Professional Activities including doctors, dentists, attorneys, real estate, insurance, architects, engineers, radio and television stations and towers, etc.
 5. Public Uses.
 6. Public parking areas when located and developed as required in Section 15-B.
 7. Agriculture.
 8. Business Services including services to commercial or industrial enterprises or which repairs appliances and machines used in homes or businesses.
 9. Offices and Banks.
 10. Retail sales and businesses (including furniture, appliances, supermarkets, wall and floor covering, dry goods, apparel, building materials, etc.), if conducted wholly within an enclosed building.
 11. Restaurants and taverns.
 12. Funeral homes or mortuaries.
 13. Quasi-public Uses.
 14. Theatres (except drive-in theatres).
 15. Neighborhood Shopping Centers as defined in Section 2.
 16. Automobile Service Stations, provided that activities other than the pumping of gasoline are in an enclosed building.
 17. Accessory buildings and uses as provided in Section 15-A.
 18. Mini-Warehouse (Storage) subject to requirements listed in Section 15. (1997)
 19. Low impact wind powered electric generator as regulated in Section 15, Supplemental Regulations. (2008)
- B. CONDITIONAL USES: subject to procedure of approval as provided in Section 15-E.
1. Wholesale Business, when there is no processing, fabrication, or assembly.
 2. Printing and Publishing.
 3. Animal Hospitals, Kennels and Animal Crematories.
 4. Bakeries and Dairies.
 5. Hotels, motels, cottages, or lodging houses.
 6. Social Activities including lodges or fraternal organizations.
 7. Commercial entertainment facilities; specifically night clubs providing dancing and entertainment.
 8. Certain commercial recreational facilities which can be conducted within an enclosed building: skating rinks, bowling alleys, dance halls, games of skill, etc.
 9. Drive-in food establishments.
 10. Natural Resource Development, including the extraction of sand, gravel, fill dirt, or topsoil.
 11. Accessory buildings and uses as provided in Section 15-A.
 12. Special Event.
 13. Drive-thru carryout. (2008)
- C. AUTOMOBILE PARKING AND LOADING: Shall be provided as required in Section 15-B.

D. HEIGHT LIMIT: No buildings shall be erected or enlarged to exceed thirty-five (35) feet in height. (1993)

E. AREA REQUIREMENTS:

1. Lot Area and Width: For one-family dwellings, same as in the "C-1" District; for other buildings, the minimum lot width shall be eighty (80) feet and the minimum lot area shall be six thousand (6,000) square feet.

2. Front Yard: Lots for one-family dwellings: minimum of fifty (50) feet; lots for other buildings: minimum of fifty (50) feet. (1996)

3. Side Yard: Lots for one-family dwellings: minimum of five (5) feet on each side; lots for other buildings: none required except for lots abutting any "A" or "R" District in which case the side yards shall be a minimum of ten (10) feet on each side. (1993)

4. Rear Yard: Lots for one-family dwellings: minimum of twenty (20) feet; lots for other buildings: minimum of ten (10) feet. (1993)

F. DWELLING BULK: One-family dwellings: minimum of eight hundred (800) square feet, other buildings: minimum of seven hundred twenty (720) square feet. (1993)

G. COURTS:

1. Outer Courts: An outer court with window openings shall have a width not less than two-thirds (2/3) of the height of the building above the floor level of the lowest story containing such openings, but in no case less than fifteen (15) feet. Outer courts need not be more than twenty (20) feet wide when their depth does not exceed thirteen (13) feet. The depth of an outer court shall not be greater than two (2) time its width.

In the case of irregular courts, the required minimum width of the court may be deemed to be the average width.

In the case of courts, the sides of which are formed by wings of unequal height, the average of such heights shall be used to determine the required width of the court.

2. Inner Courts: The least dimension of an inner court with window openings shall be not less than two thirds (2/3) of the average height of the building above the floor level of the lowest story containing such openings. (1993)

SECTION 11

"C-3" HIGHWAY COMMERCIAL DISTRICT

- A. USES PERMITTED: After obtaining a valid certificate of occupancy in accordance with Section 19, the following uses are permitted:
1. One-family dwelling.
 2. Retail establishments of local nature for the retail sale of meat, fruit, dairy products, etc. as well as shops; hobby, bicycle, upholstery, sign painting, plumbing, etc., if conducted within an enclosed building.
 3. Personal services (including shoe repair, watch repair, radio & TV repair, etc.).
 4. Professional Activities including doctors, dentists, attorneys, real estate, insurance, architects, engineers, radio and television stations and towers, etc.
 5. Public Uses.
 6. Public parking areas when located and developed as required in Section 15-B.
 7. Agriculture.
 8. Business Services including services to commercial and industrial enterprises or which repairs appliances and machines used in homes and businesses.
 9. Offices and Banks.
 10. Retail sales and businesses (including furniture, appliances, supermarkets, wall and floor covering, dry goods apparel, building materials, etc.), if conducted wholly within an enclosed building.
 11. Restaurants and taverns.
 12. Funeral homes and mortuaries.
 13. Quasi-public Uses.
 14. Theatres.
 15. Neighborhood Shopping Centers as defined on page 12.
 16. Automobile Service Stations, provided that activities other than the pumping of gasoline are in an enclosed building.
 17. Hotels, motels and cottages.
 18. Automotive and lawn and garden equipment sales and repairs.
 19. Wholesale business, when there is no processing, fabrication, or assembly.
 20. Farm implement sales and repair.
 21. Social activities including lodges and fraternal organizations.
 22. Animal hospitals, kennels.
 23. Drive-in food establishments.
 24. Night clubs or dance halls with entertainment.
 25. Noncommercial recreational facilities (see definition)
 26. Commercial recreational facilities (see definition) including miniature golf and driving ranges.
 27. Accessory buildings and uses as provided in Section 15-A.
 28. Travel trailer (small utility) sales and repairs.
 29. Mini-Warehouse (Storage) subject to requirements listed in Section 15. (1997)
 30. Low impact wind powered electric generator as regulated in Section 15, Supplemental Regulations. (2008)
 31. Drive-thru carryout. (2008)

- B. CONDITIONAL USES: Subject to procedure of approval as provided in Section 15-E.
1. Storage of automobiles, trailers (small utility), boats, and lawn and garden equipment.
 2. Warehousing.
 3. Bakeries or Dairies.
 4. Printing and Publishing.
 5. Trailer Camps.
 6. Outdoor Advertising.
 6. Building material storage facilities.
 7. Natural Resource Development, including the extraction of sand, gravel, fill dirt, or topsoil.
 9. Accessory buildings and uses as provided in Section 15-A.
 10. Animal crematories.
 11. Special Event.
- C. AUTOMOBILE PARKING AND LOADING: Shall be provided as required in Section 15-B.
- D. HEIGHT LIMIT: No building shall be erected or enlarged to exceed thirty-five (35) feet in height. (1993)
- E. AREA REQUIREMENTS:
1. Lot Area and Width: For one-family dwellings, same as in the "C-1" District; for other buildings, the minimum lot width shall be one hundred (100) feet and the minimum lot area shall be twenty-five thousand (25,000) square feet.
 2. Front Yard: For one-family dwellings: minimum of fifty (50) feet; for other buildings: minimum of fifty (50) feet. (1996)
 3. Side Yard: For one-family dwellings, same as in the "C-1" District. For other buildings, the minimum side yard shall be twenty (20) feet on each side except for lots abutting any "A" or "R" District in which case the side yards shall be a minimum of thirty (30) feet on each side.
 4. Rear Yard: For one-family dwellings, same as in the "C-1" District. For other buildings, the minimum rear yard shall be forty (40) feet.
- F. DWELLING BULK: One-family dwellings: minimum of eight hundred (800) square feet, other buildings: minimum of seven hundred twenty (720) square feet. (1993)
- G. COURTS:
1. Outer Courts: An outer court with window openings shall have a width not less than two-thirds (2/3) of the height of the building above the floor level of the lowest story containing such openings, but in no case less than fifteen (15) feet. Outer courts need not be more than twenty (20) feet wide when their depth does not exceed thirteen (13) feet. The depth of an outer court shall not be greater than two (2) time its width.
- In the case of irregular courts, the required minimum width of the court may be deemed to be the average width.
- In the case of courts, the sides of which are formed by wings of unequal height, the average of such heights shall be used to determine the required width of the court.

2. Inner Courts: The least dimension of an inner court with window openings shall be not less than two thirds (2/3) of the average height of the building above the floor level of the lowest story containing such openings. (1993)

SECTION 11B

"C-4" ENTERTAINMENT COMMERCIAL DISTRICT (2003)

- A. USES PERMITTED: After obtaining a valid zoning certificate of occupancy in accordance with Article 19, the following uses are permitted:
1. Agriculture.
 2. Amusement enterprises including skating rinks, bowling alleys, dance halls, games of skill, etc. if conducted wholly within an enclosed building.
 3. Drive-in theaters.
 4. Privately operated community buildings or recreational fields and swimming pools, and community facilities owned and operated by neighborhood organizations.
 5. Accessory buildings and uses.
- B. CONDITIONAL USES: Subject to procedure of approval as provided in Section 15-E.
1. Adult oriented sexual businesses.
 2. Special events.
- C. AUTOMOBILE PARKING AND LOADING: Shall be provided as required in Section 15-B.
- D. BUILDING HEIGHT: Maximum of thirty-five (35) feet.
- E. AREA REQUIREMENTS:
1. Lot Area and Width: The minimum lot width shall be one hundred and fifty (150) feet and the minimum lot area shall be forty-three thousand five hundred and sixty (43,560) square feet.
 2. Front Yard: The minimum front yard shall be fifty (50) feet.
 3. Side Yard: The minimum side yard shall be fifteen (15) feet on each side.
 4. Rear Yard: The minimum rear yard shall be twenty-five (25) feet.
- F. DWELLING BULK: None.

SECTION 12

"M-1" RESTRICTED MANUFACTURING DISTRICT

- A. USES PERMITTED: After obtaining a valid certificate of occupancy in accordance with Section 19, the following uses are permitted:
1. Agriculture and accessory buildings and uses (i.e., only farm dwellings are permitted.)
 2. Restricted Manufacturing: any industrial use which is conducted within enclosed, substantially constructed buildings and involving the use of only light machinery and equipment. No open area about the buildings may be used for the storage of materials or equipment other than for the unloading and loading operations at the rear or within an enclosure which abuts a building. Restricted manufacturing shall include the manufacture of:
 - a. drugs
 - b. jewelry
 - c. musical instruments
 - d. sporting goods
 - e. small glass products
 - f. small electronic products
 - g. small household products
 - h. scientific instruments
 - i. office, computing, and accounting machines
 - j. research and laboratory testing
 - k. printing, publishing, and engraving plants and other similar uses
 - l. accessory buildings and uses as provided in Section 15A.
 3. High impact wind powered electric generator as regulated in Section 15, Supplemental Regulations. (2008)
- B. CONDITIONAL USES: Subject to procedure of approval as provided in Section 15-E.
1. Warehousing.
 2. Bakeries and Dairies.
 3. Natural Resource Development, including the extraction of sand, gravel, fill dirt or topsoil.
 4. Accessory buildings and uses as provided in Section 15-A.
 5. The manufacture, compounding, processing, packing, or treatment of such products as bakery goods, candy, cosmetics, dairy products, perfumes, pharmaceuticals, perfumed toilet soaps, toiletries, and food products but not including the following: fish or meat products, sauerkraut, vinegar, yeast and the rendering or refining of fats or oils.
 6. The manufacture, compounding, assembling, or treatment of articles or merchandise not employing a cooking or boiling process and using cloth, cork feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semi-precious metals or stones, shells, textiles, tobacco, wood (excluding planing mill), yarns, and/or paint.
 7. The manufacture of pottery or ceramic products, using only previously pulverized clay, the kilns fired only by electricity or gas.
 8. The manufacture and maintenance of electrical signs, commercial advertising structures, light sheet metal products and the like.
 9. Assembly of electrical appliances, instruments, and devices including electroplating and the manufacturing of small parts such as coils, condensers, transformers, crystal holders and the like.
 10. Automobile painting, upholstering, rebuilding, reconditioning, body and fender work; truck repairing and overhauling; tire retreading or recapping, battery manufacturing and the like.

11. Blacksmith shop and machine shop excluding punch presses over twenty (20) tons rated capacity, drop hammers and automatic screw machines.
 12. Building material sales yard, including the sale of rock, sand, gravel, and the like as an incidental part of the main business, but excluding concrete mixing.
 13. Coal Yard.
 14. Contractors' equipment storage yard or plant, retail or equipment commonly used by contractors.
 15. Distribution plants, parcel delivery, ice and cold storage plant, bottling plants, and food commissary or catering establishments.
 16. Drying, freighting, or trucking yard or terminal.
 17. Food or fuel yard.
 18. Foundry casting of light-weight, non-ferrous metal and such similar uses as do not cause noxious fumes, noise or odors.
 19. Laboratories; experimental photo or motion picture, film or testing.
 20. Laundry, cleaning, and dyeing works and carpet & rug cleaning.
 21. Lumber yard, if saws, planers, and other processing machines are contained within a completely enclosed building.
 22. Manufacture of musical instruments, toys, novelties and rubber and metal stamps.
 23. Poultry or rabbit killing incidental to a retail business on the same premises.
 24. Shops-plumbing, sheet-metal, woodworking and the like only if processing machines are contained within a completely enclosed building.
 25. Small boat building, except ship building.
 26. Stone monument works employing not more than five (5) persons.
 27. Veterinary dog or cat hospitals, kennels and crematories.
 28. Wholesale business, storage buildings and warehouses.
 29. Accessory buildings and uses as provided in Section 15-A.
- C. AUTOMOBILE PARKING AND LOADING: Shall be provided as required in Section 15-B.
- D. BUILDING HEIGHT: Maximum of thirty-five (35) feet. (1993)
- E. AREA REQUIREMENTS:
1. Lot Area and Width: The minimum lot width shall be one hundred (100) feet and the minimum lot area shall be twenty thousand (20,000) square feet.
 2. Front Yard: The minimum front yard shall be fifty (50) feet.
 3. Side Yard: The minimum side yard shall be twenty (20) feet on each side; if the "M-1" District abuts an "A" or "R" District, the minimum side yard shall be thirty (30) feet on each side.
 4. Rear Yard: The minimum rear yard shall be thirty (30) feet.
- F. DWELLING BULK: None.

SECTION 13

"M-2" LIMITED MANUFACTURING DISTRICT

- A. USES PERMITTED: After obtaining a valid certificate of occupancy in accordance with Section 19, the following uses are permitted:
1. Agriculture and accessory buildings and uses (i.e., only farm dwellings are permitted).
 2. Restricted Manufacturing: any industrial use which is conducted within an enclosed building, substantially constructed, and involving the use of only light machinery and equipment. No open area about the buildings may be used for the storage of materials or equipment other than for the unloading and loading operations at the rear or within an enclosure which abuts a building. Restricted manufacturing shall include the manufacture of:
 - a) Drugs
 - b) Jewelry
 - c) Musical instruments
 - d) Sporting goods
 - e) Small glass products
 - f) Small electronic products
 - g) Small household products
 - h) Scientific instruments
 - i) Office, computing, and accounting machines
 - j) Research and laboratory testing
 - k) Printing, publishing, and engraving plants and other similar uses
 - l) Accessory buildings and uses provided in Section 15-A
 3. Any of the following uses conducted within a building or an area enclosed on all sides with a solid wall or uniformly painted fence not less than six (6) feet in height.
 - a. The manufacture, compounding, processing, packing, or treatment of such products as bakery goods, candy, cosmetics, dairy products, perfumes, pharmaceuticals, perfumed toilet soaps, toiletries, and food products but not including the following: fish or meat products, sauerkraut, vinegar, yeast and the rendering or refining of fats or oils.
 - b. The manufacture, compounding, assembling, or treatment of articles or merchandise not employing a cooking or boiling process and using cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semi-precious metals or stones, shells, textiles, tobacco, wood (excluding planing mill), yarns, and/or paint.
 - c. The manufacture of pottery or ceramic products, using only previously pulverized clay, the kilns fired only be electricity or gas.
 - d. The manufacture and maintenance of electrical signs commercial advertising structures, light sheet metal products and the like.
 - e. Assembly of electrical appliances, instruments, and devices including electroplating and the manufacturing of small parts such as coils, condensers, transformers, crystal holders and the like.

- f. Automobile painting, upholstering, rebuilding, reconditioning, body and fender work, truck repairing and overhauling, tire retreading or recapping, battery manufacturing and the like.
 - g. Blacksmith shop and machine shop excluding punch presses over twenty (20) tons rated capacity, drop hammers, and automatic screw machines.
 - h. Building material sales yard, including the sale of rock, sand, gravel, and the like as an incidental part of the main business, but excluding concrete mixing.
 - i. Coal Yard.
 - j. Contractors' equipment storage yard or plant, retail or equipment commonly used by contractors.
 - k. Distribution plants, parcel delivery, ice and cold storage plant, bottling plants, and food commissary or catering establishments.
 - l. Drying, freighting, or trucking yard or terminal.
 - m. Feed or fuel yard.
 - n. Foundry casting of light-weight, non-ferrous metal and such similar uses as do not cause noxious fumes, noise, or odors.
 - o. Laboratories, experimental photo or motion picture, film or testing.
 - p. Laundry, cleaning, and dyeing works and carpet & rug cleaning.
 - q. Lumber yard, if saws, planners, and other processing machines are contained within a completely enclosed building.
 - r. Manufacture of musical instruments, toys, novelties, and rubber and metal stamps.
 - s. Poultry or rabbit killing incidental to a retail business on the same premises.
 - t. Shops-plumbing, sheet-metal, woodworking, and the like only if processing machines are contained within a completely enclosed building.
 - u. Small boat building, except ship building.
 - v. Stone monument works employing not more than five (5) persons.
 - w. Veterinary dog or cat hospitals, kennels and crematories.
 - x. Wholesale business, storage buildings, and warehouses.
 - y. Accessory buildings and uses as provided in Section 15-A.
4. High impact wind powered electric generator as regulated in Section 15, Supplemental Regulations. (2008)
- B. CONDITIONAL USES: subject to procedure of approval as provided in Section 15-E.
- 1. Brick, tile, terra cotta, or clay products manufacture.
 - 2. Cement or cinder block manufacture.
 - 3. Natural Resource Development, including the extraction of sand, gravel, fill dirt or topsoil.
- C. AUTOMOBILE PARKING AND LOADING: shall be provided as required in Section 15-B.
- D. HEIGHT LIMIT: Maximum forty-five (45) feet. (1993)
- E. AREA REQUIREMENTS:
- 1. Lot Area and Width: Minimum lot width shall be one hundred seventy-five (175) feet and the minimum lot area shall be one (1) acre.

2. Front Yard: The minimum front yard shall be fifty (50) feet.
(1996)
3. Side Yard: The minimum side yard shall be thirty (30) feet on each side, if the "M-2" District abuts any "A" or "R" District, the side yard shall be a minimum of fifty (50) feet on each side.
4. Rear Yard: The minimum rear yard shall be forty (40) feet.

F. DWELLING BULK: None

SECTION 14

"M-3" HEAVY INDUSTRIAL DISTRICT

The following regulations shall apply to the "M-3" District:

- A. USES PERMITTED: After obtaining a valid certificate of occupancy in accordance with Section 19, the following uses are permitted: (2003)
1. Any of the following uses:
 - a. Asphalt mixing plant
 - b. Automobile manufacture
 - c. Boiler works
 - d. Brick, tile, terra cotta, or clay products manufacture
 - e. Cement or cinder block manufacture
 - f. Emery cloth or sandpaper manufacture
 - g. Forge plant
 - h. Glass manufacture
 - i. Glucose, dextrine, or starch manufacture
 - j. Gas (illuminating or heating) manufacture
 - k. Iron, steel, brass, or copper foundry
 - l. Metal stamping, using a press of twenty (20) ton capacity or greater.
 - m. Nitrating process
 - n. Oil cloth and linoleum manufacture
 - o. Oiled rubber or leather goods manufacture
 - p. Paint, oil, shellac, varnish, or turpentine manufacture
 - q. Paper manufacture
 - r. Petroleum products, wholesale storage of petroleum
 - s. Printing ink manufacture
 - t. Rock crushers
 - u. Rolling mills
 - v. Salt Works
 - w. Sauerkraut or pickle, etc., manufacture
 - x. Sausage manufacture
 - y. Soap manufacture
 - z. Soda manufacture
 - aa. Stone mill or quarry
 - bb. Storage of gasoline
 - cc. Tar or asphalt roofing or water-proofing manufacture
 - dd. Vinegar manufacture
 - ee. Yeast plant
 - ff. Accessory buildings and uses as provided in Section 15-A
 2. Any of the following uses provided that no building or portion thereof shall be hereafter erected or structurally altered, converted, or used for permanent dwelling purposes (other than farm dwellings):
 - a. Agriculture and accessory buildings and uses (i.e., only farm dwellings are permitted)
 - b. Drug manufacture
 - c. Jewelry manufacture
 - d. Musical instrument manufacture
 - e. Sporting goods manufacture
 - f. Small glass products manufacture
 - g. Small electronic product manufacture
 - h. Small household product manufacture
 - i. Scientific instrument manufacture

- j. Office, computing and accounting machine manufacture
 - k. Research and laboratory testing
 - l. Printing, publishing, and engraving plants and other similar uses
3. Any of the following uses conducted within a building or an area enclosed on all four sides with a solid wall or uniformly painted fence not less than six (6) feet in height.
- a. The manufacture, compounding, processing, packing, or treatment of such products as bakery goods, candy, cosmetics, dairy products, perfumes, pharmaceuticals, perfumed toilet soaps, toiletries, and food products.
 - b. The manufacture and maintenance of electrical signs, commercial advertising structures, light sheet metal products and the like.
 - c. Assembly of electrical appliances, instruments, and devices including electroplating and the manufacturing of small parts such as coils, condensers, transformers, crystal holders, and the like.
 - d. Automobile painting, upholstering, rebuilding, reconditioning, body and fender work; truck repairing and overhauling, tire retreading and recapping; battery manufacture and the like.
 - e. Blacksmith shops and machine shops excluding punch presses over twenty (20) tons rated capacity, drop hammers, and automatic screw machines.
 - f. Building material sales yard, including the sale of rock, sand, gravel, and the like as an incidental part of the main business.
 - g. Coal Yard
 - h. Contractors' equipment storage yard or plant, retail or equipment commonly used by contractors.
 - i. Distribution plants, parcel delivery, ice and cold storage plant, bottling plant, and food commissary or catering establishments.
 - j. Drying, freighting, or trucking yard or terminal.
 - k. Feed or fuel yard.
 - l. Foundry casting of light-weight, non-ferrous metal ferrous metal and such similar uses as do not cause noxious fumes, noise, or odors.
 - m. Laboratories; experimental photo or motion picture, film or testing.
 - n. Laundry, cleaning, and dyeing works and carpet and rug cleaning.
 - o. Lumber yard, if saws, planers, and other processing machines are contained within a completely enclosed building.
 - p. Manufacture of musical instruments, toys, novelties, and rubber and metal stamps.
 - q. Poultry or rabbit killing incidental to a retail business on the same premises.
 - r. Shops--plumbing, sheet metal, woodworking, and the like only if processing machines are contained within a completely enclosed building.
 - s. Small boat building, except ship building.
 - t. Stone monument works employing not more than five (5) persons.
 - u. Veterinary dog or cat hospitals, kennels, or crematories.
 - v. Wholesale business, storage buildings, and warehouses.
 - w. Accessory buildings and uses as provided in Section 15-A.

5. High impact wind powered electric generator as regulated in Section 15, Supplemental Regulations. (2008)
- B. CONDITIONAL USES: subject to procedure of approval as provided in Section 15-E. (2003)
1. Natural Resource Development, including the extraction of sand, gravel, fill dirt, or topsoil.
 2. Abbatoirs or slaughter houses.
 3. Acetylene Gas manufacture
 4. Asphalt manufacture or refining.
 5. Automobile wrecking
 6. Blast furnaces
 7. Cement, lime, gypsum, plaster, or plaster of paris manufacture.
 8. Coke Ovens
 9. Crematories
 10. Creosote treatment or manufacture
 11. Disinfectants, cattle dips, exterminators, or insecticide manufacture not including the compounding of same.
 12. Dyestuff manufacture
 13. Fertilizer manufacture, not including compounding.
 14. Fire works or explosives manufacture or storage or loading of explosives.
 15. Fish smoking or curing.
 16. Gas manufacture or storage (other than illuminating or hearing)
 17. Gelatine, glue or size manufacture or process involving recovery from fish or animal material
 18. Gunpowder manufacture or storage.
 19. Junk yard or the bailing of rags or junk.
 20. Petroleum products refinery.
 21. Pulp mills.
 22. Stockyards.
 23. Tar or coal tar manufacture or distillation.
 24. Accessory buildings and uses as provided in Section 15-A.
- C. AUTOMOBILE PARKING AND LOADING: shall be provided as required in Section 15-B.
- D. HEIGHT LIMIT: Maximum of seventy-five (75) feet. (1993)
- E. AREA REQUIREMENTS:
1. Lot Area and Width: Minimum lot width shall be one hundred seventy-five (175) feet and the minimum lot area shall be one (1) acre.
 2. Front Yard: The minimum front yard shall be fifty (50) feet.
 3. Side Yard: The minimum side yard shall be thirty (30) feet on each side, if the "M-2" District abuts any "A" or "R" District, the side yard shall be a minimum of fifty (50) feet on each side.
 4. Rear Yard: The minimum rear yard shall be forty (40) feet. (1993)
- F. DWELLING BULK: None

SECTION 15

SUPPLEMENTAL REGULATIONS

A. ACCESSORY BUILDINGS AND USES

1. An accessory building not exceeding twenty (20) feet in height may occupy not to exceed thirty (30) percent of a required rear yard, but no accessory building shall be closer than sixty (60) feet to the front line, closer than five (5) feet to the main building, nor closer than three (3) feet to any lot line.
2. In an "A" or "R" District, no required yard except the rear yard shall be used for the location of a private swimming pool and no pool shall be within ten (10) feet of any lot line.

B. AUTOMOBILE PARKING AND LOADING: (2003)

1. Parking Space:
 - a. Quantity - There shall be provided, at the time of the erection or enlargement of any main building or structure, minimum off-street parking space with adequate provision for ingress and egress as follows:

<u>Type of Building</u>	<u>Space per Car</u>	<u>Number of Spaces</u>
Dwelling	200 sq. ft.	One (1) per dwelling unit
Auditorium, theatres, stadiums other similar places of assembly	200 sq. ft.	One (1) for every five (5) seats provided.
Hospitals and Welfare Institutions	200 sq. ft.	One (1) for each eight hundred (800) sq. ft. of floor space.
Hotels, Apartment Hotels and Club	200 sq. ft.	One (1) for every two (2) guest rooms or suites for the first twenty (20) such rooms or suites, and one (1) for four (4) guest rooms or suites in excess over twenty (20).
Commercial Buildings	200 sq. ft.	One (1) for each two hundred fifty
Industrial Buildings	200 sq. ft.	(250) sq. ft. of floor space. One (1) for every two (2) employees in the largest working shift.

- b) Location: Parking space as required above shall be on the same lot with the main buildings or structures, or in the case of buildings other than dwellings, located not more than one thousand (1,000) feet therefrom.
- c) Dual Use: Dual use of parking facilities may be permitted by the Board where the operating hours of the buildings or uses served do not overlap.

2. Loading Space: Every hospital, institution, hotel, commercial or industrial building hereafter erected or established on a lot which has an area of five thousand (5,000) square feet or more and abuts upon an alley or upon two or more streets, shall have one (1) permanently maintained loading space of not less than ten (10) feet in width and thirty (30) feet in length for each ten thousand (10,000) square feet of lot area, or fraction thereof, above five thousand (5,000) square feet upon which said building is located.
3. Improvements: Every parcel of land hereafter used as a private or public parking area, automobile and trailer sales area, or loading space shall be improved to the following minimum standards.
 - a) Gravel or crushed stone surfacing with adequate dust treatment in "M" Districts.
 - b) Parking area shall be paved with a permanent dust free surface in all Residential or Commercial Districts or if located within 150 feet of a Residential District.
 - c) Where the parking area adjoins lots in an "A" or "R" District, such lots shall be protected by the erection and maintenance of a permanent fence, screen and/or planting approved by the Commission. Such protection shall not extend into the front yard required on the lot on which the parking area is located.
 - d) Any lights used to illuminate said areas shall be so arranged as to reflect the light away from adjoining premises in an "A" or "R" District.
 - e) Adequate bumpers shall be provided to facilitate the proper operation of the parking area and protect any fence, screen and/or planting from damage.
 - f) When a parking area is located wholly or partly in an "A" or "R" District as a transitional use, the following regulations shall apply in addition to the above:
 1. No commercial enterprise of any kind shall be established on said parking area.
 2. No fee shall be charged for parking thereon.
 3. No signs of any kind shall be erected, except those necessary for the orderly parking thereon.
 4. No encroachment of parking shall isolate residential structures.

C. SIGN REGULATIONS- PERMANENT AND TEMPORARY (10/18)

1. Intent. The purpose of this Section is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and 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 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 and curb the deterioration of the natural environment and enhance community development.
2. Government Signs Excluded. For the purpose of this Resolution "sign" does not include signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance, or governmental regulation.
3. General Requirements. The regulations contained in this part shall apply to all signs and all use districts.

- a) Any illuminated signs or lighting device shall employ only a source which emits a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public street, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance;
- b) All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the National Electric Code or the local electric code in effect.
- c) No projecting sign shall be erected or maintained from the front or face of a building a distance of more than two feet, including those projecting from the face of any theater, hotel, or motel marquee;
- d) No sign shall be placed on the roof of any building;
- e) No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided herein;
- f) No signs or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention when not part of a sign;
- g) No sign of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape;
- h) All signs hung and erected shall be plainly marked with the name of the person, firm or corporation hanging or erecting the sign;
- i) Should any sign be or become unsafe or be in danger of collapse, the owner thereof or the person maintaining the same, shall upon receipt of written notice from the Zoning Inspector proceed at once to put such sign in a safe and secure condition or remove the sign;
- j) No sign shall be placed in any public right-of-way except publicly-owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any property;
- k) No building wall shall be used for display of advertising except that pertaining to the use carried on within such building.

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

5. Signs permitted in All Districts Not Requiring a Permit.

- a) Signs advertising the sale, lease, or rental of the premises upon which the sign is located, shall not exceed twelve (12) square feet in area, except in all residential districts where the area of the sign shall not be more than four (4) square feet; (10/18)

- b) Professional name plates not to exceed four (4) square feet in area;
- c) Signs denoting the name and address of the occupants of the premises, not to exceed two (2) square feet in area.

6. Signs Permitted in Any District Requiring a Permit.

- a) Signs or bulletin boards customarily incidental to places of worship, libraries, museums, social clubs, or societies shall not exceed fifteen (15) square feet in area and shall be located on the premises of such institution;
- b) Any sign advertising a commercial enterprise, including real estate developers or subdividers, in a district zoned residential shall not exceed twelve (12) square feet in area and shall advertise only the names of the owners, trade names, products sold and/or the business or activity conducted on the premises where such sign is located.
- c) Temporary signs not exceeding fifty (50) square feet in area, announcing special public or institutional events, the erection of a building, the architect, the builders, or contractors may be erected for a period of sixty (60) days plus the construction period.

7. Signs Permitted in Agricultural Districts Requiring a Permit.

- a. For the advertising of roadside stands or directory signs indicating services, commodities or facilities available within a distance of ten (10) miles, not to exceed seventy-two (72) square feet in area.
- b) Pole signs of symbolic design shall be permitted for business establishments, provided no part of such sign shall project into the right-of-way of any street or highway. The maximum area of any face of such sign shall not exceed thirty (30) square feet, and the pole support of the sign shall not be less than fifty (50) feet from any lot in any residential district. Maximum height shall be no more than fifty (50) feet.
- c) All others regulated by part 6 of these regulations.

8. Signs Permitted in Residential Districts Requiring a Permit.

- a) For one-family dwellings, one sign not exceeding nine (9) square feet in area, indicating the name and permitted home occupation of the occupant.
- b) All others as required in part 6 of these regulations.

9. Signs Permitted in Commercial and Industrial Districts Requiring a Permit.

- a. In a commercial or industrial district, each business shall be permitted one flat or wall sign. Projection of wall signs shall not exceed two feet measured from the face of the main building. The area of all permanent advertising signs for any single business enterprise may have an area equivalent to one and one-half (1 1/2) square feet for each linear foot or building width, or part of a building, occupied by such enterprise but shall not exceed a maximum area of 100 square feet. The bottom of a sign projected from a wall shall not be less than nine (9) feet above the finished grade.

10. Setback Requirements.

- a) Except as provided in this resolution, signs and

outdoor advertising structures where permitted shall be set back from the established right-of-way line of any street or highway at least as far as the required front yard depth for a principal use in such district except for the modification in b) and c) below.

- b. For every square foot by which such sign or outdoor advertising structure exceeds fifty (50) square feet, the setback shall be increased by one-half (1/2) foot but not exceed one hundred (100) feet.
- c. At the intersection of any state or federal highway with an arterial or collector street, the setback of any sign or outdoor advertising structure shall not be less than fifty (50) feet from the established right-of-way of each highway or street.
- d) For public and quasi-public signs such as real estate signs and bulletin boards for a church, school or any other public, religious or educational institution may be erected not less than ten (10) feet from the established right-of-way line or any street or highway provided such sign or bulletin board does not obstruct traffic visibility at street or highway intersections.
- e) Signs and advertising structures where permitted shall be erected or placed in conformity with the side and rear yard requirements of the district in which located except that no sign or advertising structure shall be erected or placed closer than fifty (50) feet of a side or rear lot line in any residential district.

11. Additional Sign Requirements.

- a) No political sign shall be posted in any place or in any manner that is destructive to public property upon posting or removal. All candidates for public office, their campaign committees, or other persons responsible for the posting on public property of campaign material shall remove such material within one week following election day.
- b) Free-standing signs not over thirty (30) feet in height, having a maximum total sign area of one hundred (100) sq. ft. per display area and located not closer than ten (10) feet to any street right-of-way line and not closer than thirty (30) feet to any adjoining lot line may be erected to serve a group of business establishments. There shall be only one free-standing sign for each building, regardless of the number of businesses conducted in said building. All other pertinent requirements contained in Part 3, General Requirements shall apply.
- c) Wall signs pertaining to a non-conforming use shall be permitted on the same premises of such use, provided the area of such sign does not exceed twelve (12) square feet.

12. Violations. In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this resolution the Zoning Inspector shall notify in writing the owner or lessee thereof to alter such sign so as to comply with this resolution. Failure to comply with any of the provisions of Section 12, part d, shall be deemed a violation and shall be punishable under Section 19 of this resolution.

D. FENCES AND HEDGES

Fences or hedges may not exceed the following height in the specified yards:

<u>District</u>	<u>Front Yard</u>	<u>Other Location</u>
A-1, A-4	7	7
R-A, R-1, R-3	5	7
C-1, C-2, C-3	10	10
M-1, M-2, M-3	10	10

At any intersection of streets, no fence shall exceed three (3) feet in height within the triangle formed to two adjoining sides running parallel with the edge of the nearest existing travelling lines and extending 25 feet therefrom.

E. CONDITIONAL USES

1. Location of permitted uses: Whenever it is stated in this Resolution, certain conditional uses may be permitted in a District if their location is first approved and certified by the Board of Zoning Appeals and where such uses are deemed essential or desirable to the public convenience or welfare; and before the Board of Zoning Appeals makes its final determination, it shall hold a public hearing as specified in this subsection. Conditional uses existing at the time of adoption of this Resolution may be continued.
2. Procedure:
 - a) Written applications for approval of conditional uses shall be filed with the Board of Zoning Appeals upon forms prescribed for that purpose by the Board of Zoning Appeals. A fee as determined by the Trustees of shall be paid upon filing of each application for the purpose of defraying the actual cost of the proceedings described herein. A written receipt shall be issued to the person making such payment and records thereof shall be kept in such manner as prescribed by law. (1993)
 - b) The Board of Zoning Appeals shall hold a public hearing on each application for a conditional use stating the date of hearing and the nature of the conditional use requested. The Board of Zoning Appeals may use any additional means of notification it deems desirable and proper.
 - c) The Board of Zoning Appeals shall make its findings and determination in writing within forty (40) days from the date of filing of an application and shall forthwith transmit copy thereof to the applicant. No decision of the Board of Zoning Appeals under this Section shall become effective until after an elapsed period of ten (10) days from the date of the written determination is made during which time the applicant or any other person aggrieved may appeal to the Court of Common Pleas of the County on the grounds that the decision was unreasonable or unlawful.
 - d) In approving the uses referred to in this section, the Board of Zoning Appeals shall have authority to impose such conditions as it deems necessary to protect the best interests of the surrounding property or neighborhood.

e) CONDITIONAL USE - FINDING OF FACT (2008)

A conditional use is a use authorized in a particular zoning District upon showing that such use in a specified location will comply with all of the conditions and standards for the location or operation of the use as specified in the Clay Township Zoning Resolution and as authorized by the Board of Zoning Appeals.

The following factors shall be analyzed by the Board of Zoning Appeals:

1. The location, size and character will be in harmony with the appropriate and orderly development of the surrounding neighborhood and applicable regulations of the Zoning District in which it is to be located.

2. The proposed development is in accord with the overall development plans of the area.

3. The proposed development will be in keeping with the existing land use character and physical development potential of the area.

4. The necessity or desirability of the proposed use to the neighborhood or community has been proven.

5. If permitted, the use will be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the District involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking provisions

for pedestrian traffic, with particular attention to minimizing child-vehicle contacts in residential districts.

6. The use will be designed as to its location, size, intensity, site layout and periods of operation to eliminate any possible nuisances emanating therefrom which might be injurious to the occupants or damaging to their property of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke, or lights.

7. The use will be such that the proposed location and height of buildings or structures and the location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.

8. The use will relate harmoniously with the physical and economic aspects of the adjacent land uses regarding prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the Township.

9. The use is so designed, located, and proposed to be operated that the public health, safety and welfare will be protected.

10. The use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.

DECISION

It is therefore the decision of the Clay Township Board of Zoning Appeals that this conditional use application is _____ . Any conditions stated in the minutes are incorporated herein by reference and made a part of this decision.

Adopted this _____ day of _____, 20__.

E1. SPECIAL EVENT REQUIREMENTS

- a) The special event shall not last longer than fourteen (14) days;
- b) The special event will not create a level of noise which will interfere with the normal living conditions of adjoining property owners;
- c) The required and necessary facilities for the special event such as restrooms, parking and the like are available in adequate amounts for the type of special event planned;
- d) The special event will not interfere with the traffic flow and the public's safety; and
- e) Other conditions which the Board of Zoning Appeals feels are necessary to protect the public's health, safety and welfare shall be imposed.

F. NON-CONFORMING USES

1. Non-Conforming Buildings

- a) Continuance of Use: The lawful use of any building existing at the time of the adoption of this Resolution may be continued although the use of such building does not conform to the regulations of the Zoning District in which such building is located. The lawful use of any building which becomes non-conforming by reason of a subsequent amendment of this Resolution may be continued after the date of such amendment.
- b) Additions and Enlargements: In accordance with procedure outlined in Section 15, the addition to or enlargement of a non-conforming building or structure may be permitted, provided such addition or enlargement complies with the height and area regulations of the district in which it is located and that the total aggregate floor area included in all such separate additions or enlargements does not exceed twenty (20) percent of the floor area contained in said building or structure.
- c) Restoration of Damaged Building: A non-conforming building or structure, which is damaged or partially destroyed by fire, flood, wind, earthquake, or other public enemy, to the extent of not more than seventy-five (75) percent of its value at the time of damage may be restored and the same use or occupancy continued or resumed, provided that the total cost of such restoration does not exceed seventy-five (75) percent of the value of the building or structure at the time of damage and provided that such restoration is started within a period of one (1) year and is diligently prosecuted to completion.

In the event that such damage exceeds seventy-five (75) percent of the value at the time of damage, no repairs or construction shall be made unless every portion of the building or structure is made to conform to all regulations for new buildings in the District in which it is located.

- d) Change of Use: The use of non-conforming buildings may be changed to a use of the same or more restricted classification but shall not thereafter be changed back to a less restricted use.

- e) Vacancy: A non-conforming building, or portion thereof, which is or hereafter becomes vacant and remains unoccupied for a continuous period of two (2) years, shall not thereafter be occupied except by a use which conforms to the use regulations of the district in which it is located.

2. Non-Conforming Use of Land

- a) A non-conforming use of land (where no permanent main building is involved) may be continued for a period of two (2) years from the effective date of this resolution. All such non-conforming uses shall be discontinued after said two (2) year period.
- b) A non-conforming use of land shall not be expanded or extended into any other portion of the lot or adjoining property, nor shall the use be changed except to a conforming use.

G. HEIGHT

- 1. Structures Permitted above Height Limit: Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, roof signs, flagpoles, chimneys, smoke stacks, wireless masts, water tanks, silos, oil refinery structures or similar structures may be erected above the height limits herein prescribed. But no penthouse or roof structure, or any space above the height limit shall be allowed for the purpose of providing additional living or working space.

H. AREA, YARDS AND SETBACKS

- 1. Yards: Recognizing that there are trends in the planning of homes and garden apartments and in lot arrangement to secure the benefit of solar orientation, climate control and privacy,

which may necessitate variations in the front, rear and side yard requirements in this resolution, and in the restrictions applying to accessory buildings and to fences, walls or hedges, such variations may be permitted in the case of isolated homes, groups of homes, garden apartments or neighborhood layouts, provided that:

- a) the plans therefore are first approved by the Commission;
- b) the separation between buildings is not reduced;
- c) air, daylight, and sun are not obstructed by adjoining buildings;
- d) the proposed plans would not exercise a detrimental effect on existing homes in the same block, on the same or opposite sides of the street;
- e) that consideration of health, safety and general welfare be observed;
- f) the ground floor use of a building with mixed uses shall determine the area and/or yard requirements for its use.

2. Front Yard:

- a) Where a lot is situated between two lots, each of which has a main building (within twenty-five (25) feet of

its side lot lines) which projects beyond the established front yard line and has been so maintained since this resolution became effective, the front yard requirement on such lot may be the average of the front yards of said existing buildings.

- b) Where a lot adjoins one lot having the conditions described in the paragraph above, the front yard requirement on such lot may be the average of the front

yard of the existing building and the established front yard line.

3. Side Yard: For the purpose of said yard regulations, dwellings with common party walls shall be considered as one (1) building occupying one (1) lot.
4. Rear Yard: In computing the depth of a rear yard where such yard opens onto alley, one-half (1/2) the width of such alley may be assumed to be a portion of the required yard.
5. Lot Area: In computing the lot area of a lot which abuts an alley, one-half (1/2) the width of such alley may be assumed to be a portion of the lot.
6. Vision Clearance: On any corner lot in a "C" or "M" District no building or obstructions shall be permitted within eight (8) feet of the intersection of any two (2) street lines.

On any corner lot in an "A" or "R" District, there shall be no structure, planting or obstruction to vision more than three (3) feet higher than the curb level within twenty-five (25) feet of the intersection of any two (2) streets.

7. Yards for Corner and Through Lots: All lots having a frontage on two (2) streets shall provide the required front yard on both streets.
8. Projections allowed into Yards and Courts:
 - a) A porte cochere over a driveway may be extended into a side yard, provided such structure is not more than one (1) story in height and twenty (20) feet in length, and entirely open on at least three (3) sides, except for the necessary supporting columns and customary architectural features.
 - b) Cornices, eaves, belt courses, sills, canopies or other similar architectural features (not including bay windows or vertical projections) may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard; and may extend or project into a required front or rear yard not more than three (3) feet.
Chimneys may project into a required front, rear or side yard not more than one (1) foot, provided the width of such yard is not reduced to less than three (3) feet.
 - c) Open, unenclosed fire escapes may extend or project into any front, rear, or side yard not more than four (4) feet.
 - d) Open, unenclosed stairways or balconies, not covered by a roof or canopy, may extend or project into a required rear yard not more than four (4) feet; and such balconies may extend into a required front yard not more than thirty (30) inches.
 - e) Open, unenclosed terraces, platforms or landing places, not covered by a roof or canopy and not extending above the height of the first floor elevation of the

building, may extend or project into a front, rear or side yard or a court not more than six (6) feet, provided that the extension into a court shall not exceed twenty (20) percent of the width of such court.

I. STABLING OF HORSES

1. Stabling of horses or ponies shall be permitted in any A-1, A-4, R-A, or R-1 Residential District provided there shall be at least one acre of land per horse or pony on the single property on which the horses or ponies are stabled and a maximum of five animals shall be allowed. The structure to stable the horses or ponies shall be kept a minimum of forty (40) feet from all property lines. (2003)

J. PARKING/STORAGE OF MOTOR VEHICLE.

1. Only one (1) automobile vehicle or recreational trailer of any type without current license plates/registration shall be parked or stored on any land used or zoned for residential purposes other than in a completely enclosed building. Parking or storage must be in the rear yard.

K. DWELLING STANDARDS (2003)

1. A dwelling shall have a minimum width of primary livable floor space of twenty-three (23) feet for a minimum length of twenty-three (23) feet and the minimum floor area (dwelling bulk) required in its District.
2. A dwelling shall be firmly attached to a permanent foundation constructed on the site and shall have a continuous and complete frost protection perimeter foundation for the main body of the building.
3. If the dwelling or its parts have been constructed with tow bars, wheels, axles, or other equipment for moving the building or its parts, such wheels shall be removed and all other such equipment shall be completely concealed or removed.
6. The exterior siding of a manufactured home and any attachments thereto must be residential in appearance, consist of materials customarily used on conventional dwellings constructed on site, and extend to the top of the foundation.
7. A dwelling shall meet the Ottawa County Building Code. All manufactured homes shall meet current HUD standards or applicable Ohio Building Codes.

L. MINI-WAREHOUSE (STORAGE) (1997)

1. The parcel on which the mini-warehouse (storage) building will be located must contain a minimum of one acre of land and have frontage upon a public highway.
2. The maximum lot coverage by buildings shall be sixty (60) percent.
3. The land area providing access to the mini-warehouse (storage) building and individual units shall be stoned or paved and have adequate drainage.
4. Any lighting used on the site shall be directed away from the adjoining properties.
5. If adjacent to a residential structure, the side yard setback shall be increased to fifty (50) feet with a screen, planting, or solid fence erected on or near the lot line, prior to the construction of the mini-warehouse (storage) building.

6. The mini-warehouse (storage) building and units shall not be used for the storage of flammable, hazardous, or chemical materials, potentially dangerous to the general public.
8. No outside storage shall be allowed.

M. LOW IMPACT WIND POWERED ELECTRIC GENERATOR (2008)

1. The proposed wind powered electric generator/windmill shall be a distance of at least 125% of the height of the total structure to any property line, off-site residence or building, and public or private road right-of-way.
2. The maximum tower height shall not exceed one hundred and fifty (150) feet.
3. The noise level measured at all of the adjoining property lines shall not exceed 60 dBA.
4. The maximum lighting used for or on the structure is a low intensity red light as defined by the Federal Aviation Administration.
5. The wind powered electric generator/windmill shall have a rated capacity of not more than 100 kW.
6. The wind powered electric generator/windmill shall service only one residential property.
7. All necessary township and County permits shall be obtained.

N. HIGH IMPACT WIND POWERED ELECTRIC GENERATOR (2008)

1. The proposed wind powered electric generator/windmill shall be a distance of at least 150% of the height of the total structure to any property line, off-site residence or building, and public or private road right-of-way.
2. The maximum lighting used for or on the structure is a low intensity red light as defined by the Federal Aviation Administration.
3. The wind powered electric generator/windmill shall have a rated capacity of more than 100 kW.
4. All high impact wind powered electric generator/windmill locations must be pre-approved by the U.S. Department of Fish and Wildlife and the Ohio Department of Natural Resources based upon their determination on the impact that the proposed windmill will have on eagles, wildlife, and migratory birds.
5. All necessary township and County permits shall be obtained.

SECTION 16

PLANNED UNIT DEVELOPMENT

- A. General: The township shall take into account that it is increasingly difficult to forecast the various conditions and factors that may be encountered in sizeable developments, and that certain latitude, flexibility, and freedom in the execution of the design and layout of a project should be suggested or otherwise permitted by the township so as to encourage the development to adjust the streets to irregular topography, to take advantage of topography in order to utilize the natural surface drainage, to economize in the construction of sewers and storm drainage facilities, to reduce the amount of grading and thus minimize the destruction of trees and topsoil, to adjust the layout to geographical and cultural limitations such as property ownership lines, and, among other things, to create architectural variation in the development as well as attractive and usable buildings and building sites, and further such developments shall be designed so as to enhance the community in general by providing amenities which are unique to the community.
- B. Planned Unit Development may be residential, commercial or industrial developments, or they may be combinations of uses, such as residential and commercial, or commercial and industrial. The minimum site area for a residential development shall be ten (10) acres, for a commercial development, five (5) acres, and for an industrial development, twenty-five (25) acres. If a combination of uses is proposed, a residential-commercial development shall have a minimum of twenty-five (25) acres and a commercial-industrial development, a minimum of thirty (30) acres. In combination developments, the amount of land devoted to commercial usage shall not exceed twelve and one-half (12 1/2) percent of the total land area of the development.
- All planned units must be arranged progressively in relation to the zoning of the area abutting, and shall observe the setback requirements for the main district they are in.
- C. Such a development plan may be submitted to the Township Trustees and shall be referred to the Zoning Commission for study and report and for public hearings. Notice and publication of such public hearings shall conform to the procedures prescribed for hearings on changes and amendments as outlined in this Resolution.
- D. Required Plans and Actions by the Zoning Commission
1. In order for the Commission to better determine that the planned unit development meet all requirements, the developer shall furnish a preliminary plan of the entire tract showing topography, roads, lot lines, lot areas, easements, encumbrances, and other relevant data. The plans shall include the location of existing structures, areas of shrubs and/or trees of ten (10) inch diameter or more, existing contours and the proposed grading plan.
 2. Upon determination by the Commission that the proposed planned unit development project as shown by the preliminary plan conforms to the requirements of all applicable provisions of this Resolution the proponent shall prepare and submit a final development plan and such plan shall incorporate any changes or modifications required by the Commission.
 3. Upon approval by the Commission, the plans shall be submitted to the Township Trustees for consideration and action. The approval and recommendations of the Commission shall be

accompanied by a report stating the reasons for approval of the application and specific evidence and facts showing that the proposed community development projects meets with the following general conditions:

- a. The property adjacent to the area included in the plan will not be adversely affected.
- b. The plan is consistent with the intent and purpose of this Resolution to promote public health, safety, morals, and general welfare.
- c. The use of the land shall be similar to the uses permitted in the district in which the plan is located.

E. Acceptance by Action by Board of Township Trustees

1. Following a public hearing, the Board of Township Trustees may modify the plan, consistent with the intent and meaning of this Resolution, and may rezone the property to the classification permitting the proposal, for development in substantial conformity with the final plan as approved by the Board.
2. After the final development plan has been approved by the Board of Township Trustees and in carrying out this plan, adjustments or rearrangements of buildings, parking areas, entrances, heights or yards may be requested by the proponents, and provided such request conform to the standards established by the final development plan and this Resolution, such adjustments or rearrangements may be authorized by the Commission.
3. Planned Unit Development shall conform to the regulations of this Resolution or to the following modifications of the regulations found elsewhere in this Resolution.
4. In "A" or "R" Districts, a planned unit development may be permitted as follows:
 - a. The lot area per family may be reduced, but such reduction shall not exceed twenty (20) percent of the area required.
 - b. Fifty (50) percent of the lot area reduction or not less than ten (10) percent of the total project area shall be devoted to open space and recreational facilities for the residents of the area being developed. Such open space land or recreational facilities shall be held in corporate ownership by the owners of the project area building sites, and the developer shall incorporate into the protective covenants and/or deed restrictions, a clause giving an interest in such land to each owner who buys property within the development. As an alternate to a property owners' association, the developer may deed the land to the township, which shall maintain the open space in lieu of a property owners' association.
 - c. In no case shall the density of families per net residential acre be greater than ten (10) percent more than that which would develop due to the uses permitted by right in each of the "A" or "R" Districts.
 - d. The lot width and required yards may be reduced not to exceed a ten (10) percent reduction of the district requirements.
 - e. The developer shall certify as a provision of the permit that the design of single and two-family residential structures to be erected in a planned unit development shall be so varied in placement of windows,

entrance ways, roof design, coloring and height that no structure shall be closer than five lots to another structure substantially similar in design. The lot width may be varied due to the variety of structural designs and it is recommended that setbacks may be varied, but in no case shall a structure be closer to the street than is permitted by the front yard requirements as modified by paragraph 4 of this section. If lot width for single or two-family residential lots are varied by the developer, he shall enter into an agreement with the Township that the property owners within a planned unit development of this nature shall be assessed equally for any improvements which may be by assessment, rather than by a front footage basis.

f. Every property shall be designed to abut upon the required open space or recreational facilities.

F. In "C" Districts, a planned unit development may be permitted in accordance with the following provisions if the Commission is satisfied (1) that the proponents of the development are financially able to carry out the proposed projects, (2) that they intend to start construction within one year of the approval of the project and necessary change in zoning, (3) that they intend to complete it within a reasonable time as determined by the Commission, and (4) that the need for the proposed development has been demonstrated by means of market studies and such other evidence as the Commission may require.

1. Commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections with thoroughfares. In planning these groups of buildings or establishments, no yard space will be required between uses within the group; however, the yard requirements must be observed at the edge of the complete development. Planting screens or fences as provided elsewhere in this resolution shall be required.

2. Off-street parking and loading requirements shall be observed as required; however, group parking is recommended so long as the number of spaces provided is equal to the required number of spaces required for each use to be developed.

3. The plan of the project shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation,

landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the developer as well as from the standpoint of the adjoining and surrounding existing or potential developments.

4. The ground area occupied by all the buildings shall not exceed in the aggregate twenty-four (24) percent of the total area of the lot or tract.

G. In "M" Districts, a planned unit development may be permitted as follows:

1. Industrial uses and parcels shall be developed in park-like surroundings utilizing landscaping and existing woodlands as buffers to screen lighting, parking areas, loading areas or docks and/or outdoor storage of raw materials or products. A planned industrial area shall provide for the harmony of buildings and a compact grouping or groupings in order to

economize in the provision of such utility services as are required. Thoroughfares shall be kept to a minimum throughout a planned industrial area in order that those thoroughfares which are constructed may be built to the highest possible standards.

2. Certain types of commercial uses, such as a restaurant, central secretarial or stenographic pool, or other business service type uses, repair services, or clinics may form a small commercial center to serve the needs of the industries or their personnel, may be permitted in a planned industrial area.
3. Off-street parking and loading areas shall conform to the provisions of this resolution, and all screening requirements shall be observed.
4. Yards. No building shall be less than seventy-five (75) feet distance from any boundary of the tract on which the office, research, or industrial development is located. All intervening spaces between the street pavement and the right-of-way line and intervening spaces between buildings, drives, parking areas and improved areas shall be landscaped with trees and plantings and properly maintained at all times.

SECTION

17

BOARD OF ZONING
APPEALS

A. MEMBERSHIP

1. There is hereby established a Board of Zoning Appeals which shall consist of five (5) individuals who reside in the unincorporated area of the township appointed by the Board of Trustees. The Board of Trustees shall choose a successor to fill any vacancy. The five (5) electors first appointed shall serve for terms of one (1), two (2), three (3), four (4), and five (5) year terms, beginning January 1st.

Each member shall serve until his successor is appointed and qualified.

Vacancies shall be filled by the Board of Trustees and shall be for the respective unexpired term.

The members of the Board of Zoning Appeals may receive such compensation as the Board of Trustees provides. (2003)

2. The hearings of the Board of Zoning Appeals shall be public. The Board shall organize annually and elect a chairman, vice- chairman and Secretary. The Board shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this Resolution. (2003)

3. A quorum shall consist of three (3) members of the Board that shall be the minimum number permitted to conduct business. An affirmative vote of a majority of the members in attendance shall be required for action. Failure of an item to receive a majority vote shall constitute disapproval. When a quorum is lacking, the Board shall postpone or cancel items requiring a vote and may proceed with items presented for information only. (2003)

4. The Board of Township Trustees may appoint two (2) alternate member to the Township Board of Zoning Appeals for a term of two (2) years as designated by the Board of Township Trustees. An alternate member shall take the place of an absent regular meeting at any meeting of the Board of Zoning Appeals according to procedures prescribed by Resolution of the Board of Township Trustees.

All alternate members shall meet the same appointment criteria as a regular member.

When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote. (2003)

B. VARIANCES (1997)

There are two types of variances which the township may grant: an area variance and a use variance. The factors to be considered by the Board of Zoning Appeals differ for the two types of variances.

Area Variance

An area variance is a departure from the provisions of the zoning resolution usually relating to setbacks, side yards, height, frontage/lot width, and lot size. These variances relate to the physical characteristics of the property. Strict enforcement of the zoning requirements for the specific lot would present "practical difficulties", basically making the property unusable

FINDING OF FACT (2008)

The factors or standards to be considered and weighed for an area variance include, but are not limited to the following:

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.

2. Whether the variance is substantial.

3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.

4. Whether the variance would adversely affect the delivery of governmental services (for example, water, sewer, garbage).

5. Whether the property owner purchased the property with knowledge of the zoning restriction.

6. Whether the property owner's predicament feasibly can be Prevented through some method other than a variance.

7. Whether the spirit and intent behind the zoning requirements Would be observed and substantial justice done by granting the variance.

DECISION

It is therefore the decision of the Clay Township Board of Zoning Appeals that this area variance petition is _____. Any conditions stated in the minutes are conditions incorporated herein by reference and made a part of this decision.

Adopted this _____ day of _____, 20__.

Use Variance

A use variance involves the development or conversion of land for a use not permitted in the specific zoning district. The factors or standards applied to a use variance are those related to the concept of "unnecessary hardship".

A use variance must not be contrary to the public interest and the board of zoning appeals must insure that the spirit of the zoning resolution is observed. In other words, the use requested is consistent and harmonious to the existing uses. In addition, all of the following conditions must also be found to exist:

FINDING OF FACT (2008)

1. The special circumstances or conditions applying to the building or land in question are peculiar to such lot or property and do not apply generally to other land or buildings in the vicinity and were not created by the applicant.

2. The granting of the application is necessary for the preservation and enjoyment of a substantial property right and not merely to serve a convenience to the applicant.

3. The authorizing of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or imperil the public safety or unreasonably diminish or impair established property values within the surrounding areas, or in any way impair the health, safety, convenience, or general welfare of the inhabitants of the Township.

DECISION

It is therefore the decision of the Clay Township Board of Zoning Appeals that this use variance petition is _____. Any conditions stated in the minutes are conditions incorporated herein by reference and made a part of this decision.

Adopted this _____ day of _____, 20____.

Summary

In either type of variance request, the variance as granted shall be the minimum variance necessary to accomplish the reasonable use of the land or building. The granting of a variance runs with the land and is not approved for the present landowner only. (1997)

C. JURISDICTION (1997)

1. Authority of the Board: Where practical difficulties or unnecessary hardships, inconsistent with the general purposes of this Resolution, may result from the strict and literal interpretation and enforcement of the provisions thereof, the Board, upon receipt of a verified application from the owner of the property affected appealing a decision of the enforcement officer and stating fully the grounds of the appeal and the facts relied upon, shall have authority to grant, upon such conditions and safeguards as it may determine, such variances therefrom as may be in harmony with their general purposes and intent so that the spirit of this Resolution shall be observed, public safety and welfare secured, and substantial justice done, including the following.
 - a) Permit in the "A" or "R" Districts public parking areas or storage garages adjacent to any existing or proposed use in the multiple dwelling, commercial or industrial districts.
 - b) Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirement, or

permit (a) the waiver of the requirement that automobile parking space be provided on the same lot with a dwelling, if other suitable and convenient parking space is available within or without a building, or (b) the dual use of parking facilities (i.e. by stores during the day and theaters during the evening) provided there is no overlapping of use and the parking space requirements for each building or use are complied with during each period.
 - c) Permit the addition or enlargement of a non-conforming building or structure, provided such addition or enlargement complies with all height and area regulations of the district in which it is located and that the total aggregate floor area included in all such separate additions or enlargements does not exceed twenty (20) percent of the floor area contained in said building or structures.
 - d) Permit in districts limiting the height to thirty-five (35) or forty-five (45) feet, schools, hospitals, sanitariums, institutions, churches and other similar uses allowed under use regulations of this resolution, to be erected to a height not exceeding seventy-five (75) feet, provided that the front and side yard requirements for such buildings in the "R" Districts are complied with. (1993)
 - e) Permit such modification of the height and area regulations as may be necessary to secure an appropriate improvement of the lot which is of such shape, or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without such modifications.
 - f) Permit temporary buildings and uses for periods not to exceed two (2) years in undeveloped sections of the Township and for periods of not to exceed six (6) months in developed sections.

- g) Permit in the "M-3" District the temporary use of areas or portions thereof for dwelling purposes in demountable or other temporary buildings, under appropriate conditions and safeguards, pending the need of the area for industrial purposes, provided suitable sanitary and other facilities can be made available without extra expense to the Township.
- h) In approving applications for variances, the Board shall have authority to impose such conditions as it deems necessary to protect the best interest of the surrounding property or neighborhood.

D. PROCEDURES (1997)

1. Appeals: Written applications of appeal shall be filed with the Board upon forms prescribed by the Board. A fee as determined by the Board of Township Trustees shall be paid for the purpose of defraying the costs of the proceedings described herein. A written receipt shall be issued to the person making such payment and records thereof shall be kept in such manner as prescribed by law. Such applications, which appeal decisions by the enforcing officer, shall be made within twenty (20) days of the date of the decision.
2. Public Hearing; The Board shall hold a public hearing on each appeal within thirty (30) days from the date of filing. The applicant filing the appeal shall provide the names and addresses of all owners of property within, contiguous to, and directly across the street from the property involved in the appeal using the County Auditor's current tax list or the County Treasurer's mailing list. Notice of the hearing shall be sent to these property owners by first class mail at least ten (10) days prior to the hearing. The failure of delivery of such notice shall not invalidate any action taken on the appeal. In addition, the Board of Zoning Appeals shall also give notice of such public hearing by one (1) publication in one (1) or more newspapers of general circulation in the County at least ten (10) days before the date of such hearing. Upon the hearing, any person may appear in person or by attorney. The Board shall hold a public hearing on each appeal and shall cause the property in question to be posted with a placard stating the date of hearing and the nature of the appeal. (2003)
3. Decision: The Board shall make its finding and determination in writing within thirty (30) days from the date of filing of the appeal and shall forthwith transmit a copy thereof to the applicant.
4. Records: The Board shall keep minutes of its proceedings showing the vote of each member upon each question and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the Board of Clay Township Trustees and shall be a public record.

SECTION 18

CHANGES AND AMENDMENTS

A. General

1. Whenever the public necessity, convenience, general welfare or good zoning practices require, the Board of Trustees may, by resolution after receipt of recommendations thereof from the Zoning Commission, and subject to the procedures provided by law--amend, supplement, or change the regulations, district boundaries or classification of property, now or hereafter established by the Resolution or amendments thereof. It shall be the duty of the Commission to submit its recommendations regarding all applications or proposals for amendments or supplements to the Board of Trustees.

B. Membership:

1. The Zoning Commission, hereafter called the Commission, shall be appointed by the Board of Township Trustees and shall consist of five (5) members (none of whom shall be concurrently appointed as a member of the Board of Zoning Appeals) who are residents of the unincorporated area of the Township.
2. Of the five (5) members of the Commission, one (1) shall serve until the first Monday of the second January following the appointment; one (1) until the first Monday of the third January thereafter; one (1) until the first Monday of the fourth January thereafter, one (1) until the first Monday of the fifth January thereafter, etc. Their successors shall be appointed on the expiration of their respective terms to serve five (5) years. Each member shall serve until his successor is appointed and qualified. The Board of Township Trustees may remove any member for cause, after public hearing, in accordance with the provisions of Section 519.04, Ohio Revised Code. Vacancies shall be filled for the unexpired term of any member whose place becomes vacant.
3. The Board of Township Trustees may appoint two (2) alternate member to the Township Zoning Commission for a term of two (2) years as designated by the Board of Township Trustees. An alternate member shall take the place of an absent regular meeting at any meeting of the Zoning Commission according to procedures prescribed by Resolution of the Board of Township Trustees. All alternate members shall meet the same appointment criteria as a regular member. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote. (2003)

C. Rules of the Commission:

1. The Commission shall by majority vote of its members elect a Chairman, a Vice Chairman and a Secretary, who shall occupy such offices until their successors are duly elected at the next annual meeting of the Commission which shall be held during the month of January of each year.
2. Meetings of the Commission shall be at the call of the Chairman and at such other times as the Commission may

determine. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, and of 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 Commission shall be filed in the office of the Commission and shall be a public record.

3. A quorum shall consist of three (3) members of the Board that shall be the minimum number permitted to conduct business. An affirmative vote of a majority of the members in attendance shall be required for action. Failure of an item to receive a majority vote shall constitute disapproval. When a quorum is lacking, the Board shall postpone or cancel items requiring a vote and may proceed with items presented for information only. (2003)
4. If any member of the Commission is absent for four (4) consecutive meetings he may be considered, at the option of the Chairman, to have resigned and the Chairman may request the Board of Township Trustees to appoint a replacement.

D. Power and Duties of the Commission:

1. Prepare the Zoning Resolution recommended for the unincorporated area of the Township and hold the required public hearings as required by Section 519.06.
2. Changes and Amendments:
 - a. Authority: All provisions of current State Laws pertaining to Township Zoning shall be complied with. Whenever the public necessity, convenience, general welfare or good zoning practice require, the Board of Trustees may, by resolution, after report thereon by the Commission and subject to the procedure provided in this section, and/or current State Law, amend, supplement or change the regulations, district boundaries, or classification of property, now or hereafter established by the Resolution.
 - b. Initiation: Amendments or supplements to the Zoning Resolution may be initiated as follows:
 1. By motion of the Township Zoning Commission.
 2. By passage of a resolution therefore by the Board of Township Trustees, and certification of same to the Commission.
 3. By the filing of an application by one (1) or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment or supplement with the Township Zoning Commission.
 - c. Applications initiated by private owners or lessees, for any change of district boundaries or reclassification of districts, as shown on the zoning map, shall be filed with the zoning commission upon forms and accompanied by such data and information prescribed for that purpose by the Commission so as to

assure the fullest practicable presentation by facts for the permanent record. (2003)

The applicant shall provide the name and address of all property owners within, contiguous to, and directly across the street from the property proposed to be rezoned. This information shall be provided as it appears on the County Auditor's current tax list. (2003)

- d. Fee: A fee as determined by the Board of Township Trustees shall be paid upon the filing of each application. A written receipt shall be issued to the person making such payment, and records thereof, shall be kept in such manner as prescribed by law. No fee shall be charged for actions initiated by the Board of Trustees of the Commission.
- e. Transmittal to Regional Planning Commission: Within five (5) days after the adoption of such motion, or the certification of such resolution, or the filing of such applications, the Commission shall transmit a copy thereof, together with text and map, to the Regional Planning Commission. The Regional Planning Commission shall recommend the approval or denial of the proposed amendment or supplement, or the approval of some modification thereof, and shall submit such recommendation to the Commission. Such recommendation shall be considered at the public hearing held by the Commission on such proposed amendment or supplement.
- f. Hearing and Notice by Zoning Commission: Upon the adoption of such motion, or the certification of such resolution, or the filing of such application, the Township Zoning Commission shall hold a public hearing thereon. The Commission shall set a date for the public hearing not less than twenty (20) nor more than forty (40) days from the date of the certification of such resolution, or the date of the filing of such application. Notice of such hearing shall be given as follows:

A notice shall be published in one (1) or more newspapers of general circulation in the Township at least fifteen (15) days before the date of such hearing.

If the proposed amendment or supplement intends to rezone or redistrict ten (10) or fewer parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Commission, by first class mail, at least ten (10) days before the date of the public hearing

to all owners of property within, contiguous to and directly across the street from such area proposed to be rezoned or redistricted to the addresses of such owners appearing on the County Auditor's current tax list. The applicant shall supply the necessary names and addresses to the Township Zoning Inspector. The failure of delivery of such notice shall not invalidate any such amendment or supplement. (1993)

If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land as listed on the county auditor's current tax list, the published

and mailed notices shall set forth the time, date, and place of the public hearing, and shall include all of the following:

- (1) The name of the zoning commission that will be conducting the public hearing.
- (2) A statement indicating that the motion, resolution, or application is an amendment to the zoning resolution;
- (3) A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of the owners of these properties, as they appear on the county auditor's current tax list;
- (4) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property;
- (5) The time and place where the motion, resolution, or application proposing to amend the zoning resolution will be available for examination for a period of at least fifteen days prior to the public hearing;
- (6) The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;
- (7) Any other information requested by the zoning commission;
- (8) A statement that after the conclusion of such hearing the matter will be submitted to the Board of Township Trustees for its action.

If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten parcels of land, as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing, and shall include all of the following:

- (1) The name of the zoning commission that will be conducting the public hearing on the proposed amendment;
- (2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;
- (3) The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least fifteen days prior to the public hearing.
- (4) The name of the person responsible for giving notice of the public hearing by publication;
- (5) A statement that after the conclusion of such hearing the matter will be submitted to the Board of Township Trustees for its action;
- (6) Any other information requested by the zoning commission.

- g. Records: The Commission shall keep minutes of its proceedings showing the vote of each member upon each question and shall keep records of its examination and other official action, all of which shall be filed in the office of the Board of Township Trustees and shall be a public record.

h. Decision by Commission and Submittal to Board of Township Trustees: The Commission shall study the proposed change in the terms of public necessity, convenience, general welfare and good zoning practice. The Commission shall, within thirty (30) days after such hearing, recommend the approval or denial of the proposed amendment or supplement on this basis, or the approval of some modification thereof, and submit recommendation together with such application or resolution, the text and map pertaining thereto, and the recommendation of the Regional Planning Commission thereon, to the Board of Township Trustees.

i. Hearing and Notice by Board of Township Trustees: The Board of Township Trustees, upon receipt of such recommendation from the Township Zoning Commission, shall hold a public hearing thereon. The Board of Township Trustees shall set a time for the public hearing on the proposed amendment or supplement not more than thirty (30) days from the date of the receipt of such recommendation from the Commission. Notice of such public hearing shall be given by the Board of Township Trustees by one (1) publication in one (1) or more newspapers of general circulation in the Township, at least fifteen (15) days before the date of such hearing.

If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and shall include all of the following:

- (1) The name of the board that will be conducting the public hearing.
- (2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;
- (3) A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of these properties, as they appear on the county auditor's current tax list;
- (4) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property;
- (5) The time and place where the motion, application, or resolution proposing to amend the zoning resolution will be available for examination for a period of at least fifteen days prior to the public hearing;
- (6) The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;
- (7) Any other information requested by the board.

If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten parcels of land as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing, and shall include all of the following:

- (1) The name of the board that will be conducting the public hearing on the proposed amendment;

- (2) A statement indicating that the motion, application or resolution is an amendment to the zoning resolution;
 - (3) The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least fifteen days prior to the public hearing;
 - (4) The name of the person responsible for giving notice of the public hearing by publication;
 - (5) Any other information requested by the board.
- j. Action by Board of Township Trustees: Within twenty (20) days after such public hearing, the Board of Township Trustees shall either adopt or deny the recommendations of the Commission, or adopt some modification thereof. In the event the Board of Township Trustees denies or modifies the recommendation of the Commission, the unanimous vote of the Board of Township Trustees shall be required to override the recommendation of the Commission. The action by the Board of Trustees shall be sent to the Ottawa Regional Planning Commission.
- l. Effect and Referendum: Such amendment or supplement adopted by the Board of Township Trustees shall become effective in thirty (30) days after the adoption of the amendment or supplement unless there is presented to the Board of Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the Township, or part thereof included in the zoning plan, equal to not less than (8) percent of the total vote cast for all candidates for governor in such area at the last preceding general elections at which a governor was elected, requesting the Board of Township Trustees to submit the amendment or supplement to the electors of such area for approval or rejection at the next primary or general election. No amendment or supplement for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the B Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.

E. Interpretation, Purpose and Conflicts:

Interpreting and applying the provisions of this Resolution, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare. Where this Resolution imposes a greater restriction upon the use of buildings or land, or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants, or agreements, the provisions of this Resolution shall control.

SECTION 19

ENFORCEMENT

A. ZONING INSPECTOR

1. It shall be the duty of the Township Zoning Inspector, who shall be appointed by the Board of Trustees, to enforce this Resolution. It shall also be the duty of all officials and employees of the township to assist the Zoning Inspector by reporting to him any new construction, reconstruction, land use changes, or other violations.
2. Appeal from the decision of the Zoning Inspector may be made to the Board of Appeals.

B. CERTIFICATE OF OCCUPANCY

1. It shall be unlawful for an owner to use or to permit the use of any structure, building or land, or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly, until a certificate shall have been issued by the Zoning Inspector. It shall be the duty of the Zoning Inspector to issue a certificate, provided he is satisfied that the structure, building or premises, and the proposed use thereof conform with all the requirements of this Resolution. No permit for excavation, construction or reconstruction shall be issued by the Zoning Inspector unless the plans, specifications and the intended use conform to the provisions of this Resolution.
2. Upon written request from the owner or tenant, the Zoning Inspector shall issue a certificate for any building or premises existing at the time of enactment of this Resolution certifying, after inspection, the extent and kind of use made of the building or premises and whether such use conforms to the provisions of this Resolution. No charge shall be made for issuing a certificate in accordance with this paragraph.

C. CONDITIONS UNDER WHICH CERTIFICATES ARE REQUIRED

1. A certificate of occupancy shall be required for any of the following, except as herein provided:
 - a) Construction or structural alteration of any building, including accessory buildings.
 - b) Change in use of an existing building or accessory building to a use of a different classification.
 - c) Occupancy and use of vacant land.
 - d) Change in the use of land to a use of a different classification.
 - e) Any change in the use of nonconforming use.
 - f) A zoning certificate shall be required for all lawful nonconforming uses of land or buildings created by adoption of this Resolution or any amendments.

D. APPLICATION AND ISSUANCE OF CERTIFICATES OF OCCUPANCY

1. Written application shall be made for a certificate for the construction of a new building or the alteration of an existing building. Said certificate shall be issued within ten (10) days after a written request for the same has been made to the Zoning Inspector or his agent, provided such construction or alteration is in conformity with the provisions of this Resolution.
2. Written application for a certificate for the use of vacant land, or for a change in the use of land or of a building, or for a change in a nonconforming use, as herein provided, shall be made to the Zoning Inspector. If the proposed use is in conformity with the provisions of this Resolution, the certificate thereof shall be issued within sixteen (16) days after the application for same has been made.
3. Every application for a certificate shall be accompanied by a plot plan in duplicate, and such other plans as may be necessary to show the location and type of buildings to be erected or alterations to be made.
 - a) Each plan shall show:
 1. The street providing access to the lot and the exact location of the lot in relation to the nearest cross street.
 2. The name of the concerned lot plan, if any, and the lot numbers of the concerned and abutting properties.
 3. The actual dimensions of the lot, the yard and other open space dimensions thereof, and the location and size of any existing structure thereon.
 4. The location and size of the proposed structure and/or the proposed enlargement of the existing structure.
 5. Any other information which in the judgment of the Zoning Inspector may be necessary to provide for the enforcement of this Resolution.
 - b) Each plan shall bear statements declaring:
 1. That no part of the land involved in the application has been previously used to provide required yard space or lot area for another structure.
 2. Which abutting land was formally that of the owner of the land involved in the application, and, if any, the approximate date of title transfer.
 - c) Where complete and accurate information is not readily available from existing records, the Zoning Inspector may require the applicant to furnish a survey of the lot by a registered engineer or surveyor.
 - d) Each property owner or authorized agent may be required attest to the correctness of the statements and data furnished with the application.
 - e) A file of such applications and plans shall be kept in the office of the Zoning Inspector.

E. FEES

1. A fee as determined by the Board of Township Trustees shall be paid for the Zoning Certificate.

F. VIOLATIONS AND PENALTIES

1. It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain, or use any building or land in violation of any regulation in or any provisions of this Resolution or any amendment or supplement thereto adopted by the Board of Township Trustees. Any person, firm, or corporation violating any regulation thereto, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five hundred (500) dollars. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance, or use continues, may be deemed a separate offense. (2003)

G. VIOLATIONS - REMEDIES

1. Any certificate issued upon a false statement of any fact which is material to the issuance thereof shall be void. Whenever the fact of such false statement shall be established to the satisfaction of the Board of Township Trustees, the certificate shall be revoked by notice in writing to be delivered to the holder of the void certificate upon the premises concerned, or, if such holder be not found there, by posting the said notice of revocation in some conspicuous place upon the said premises. Any person who shall proceed thereafter with such work or use without having obtained a new certificate in accordance with this Resolution shall be deemed guilty of violation thereof.
2. In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used or any land is or is proposed to be used in violation of the Resolution or any amendment or supplement thereto, the Zoning Inspector, County Prosecutor, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, actions, proceeding, or proceedings to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.

H. INTERPRETATION, PURPOSE, AND CONFLICT

1. In interpreting and applying the provisions of this Resolution, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare. It is not intended by this Resolution to interfere with or abrogate or annul any easement, covenant, or other agreement between parties. Where this Resolution imposes a greater restriction upon the use of buildings or land, or upon the height of buildings or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants or agreements, the provisions of this Resolutions shall control.

I. VALIDITY

1. If any section, paragraph, subdivision, clause, sentence, or provision of this Resolution shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect, impair, invalidate, or nullify the remainder of the Resolution, but the effect shall be confined to the section, paragraph, subdivision, clause, sentence, or provision immediately involved in the controversy in which such judgement or decree shall be rendered.

J. WHEN EFFECTIVE

1. This Resolution shall be in full force and effect from and after its passage and publication as provided by law.

TABLE OF CONTENTS

<u>TITLE</u>	<u>PAGE</u>
Section 1 - Districts	1
A. Districts and Regulations	1
B. General Regulations	2
C. Uses Exempted	2
Section 2 - Definitions	3
Section 3 - "A-1" Agricultural District	17
Section 4 - "A-4" Rural Residential District	19
Section 5 - "R-A" Suburban Residential District	20
Section 6 - "R-1" One-Family Dwelling District	21
Section 7 - "R-3" Multi-Family Dwelling District	23
Section 8 - "MHP" Manufactured Home Park District	25
Section 9 - "C-1" Limited Commercial District	26
Section 10 - "C-2" General Business Commercial District	28
Section 11 - "C-3" Highway Commercial District	30
Section 11B- "C-4" Entertainment Commercial District (2003)	33
Section 12 - "M-1" Restricted Manufacturing District	34
Section 13 - "M-2" Limited Manufacturing District	36
Section 14 - "M-3" Heavy Industrial District	39
Section 15 - Supplemental Regulations	42
A. Accessory Buildings and Uses	42
B. Automobile Parking and Loading	42
C. Sign Regulations	43
D. Fences and Hedges	47
E. Conditional Uses	47
E1. Special Event	51
F. Non-Conforming Uses	52
G. Height	52
H. Area, Yards, Setbacks	52
I. Stabling of Horses	54
J. Parking/Storage of Motor Vehicle	54
K. Dwelling Standards	54
L. Mini-Warehouse (Storage)	54
M. Low Impact Wind Powered Electric Generator	55
N. High Impact Wind Powered Electric Generator	55

<u>TITLE</u>	<u>PAGE</u>
Section 16 - Planned Unit Development	56
Section 17 - Board of Zoning Appeals	60

A.	Membership	60
B.	Variances	60
C.	Jurisdiction	66
D.	Procedures	67
Section 18 - Changes and Amendments		68
A.	General	68
B.	Membership	68
C.	Rules of the Commission	68
D.	Power and Duties of the Commission	69
E.	Interpretation, Purpose and Conflicts	73
Section 19 - Enforcement		74
A.	Zoning Inspector	74
B.	Certificate of Occupancy	74
C.	Conditions Requiring Certificate	74
D.	Application and Issuance of Certificates	75
E.	Fees	76
F.	Violation and Penalties	76
G.	Violation Remedies	76
H.	Interpretation, Purpose, Conflict	76
I.	Validity	77
J.	When Effective	77

CLAY TOWNSHIP
OTTAWA COUNTY, OHIO

BOARD OF TRUSTEES

Gaylord Sheldon
Thomas Bergman
Chard Gargas
Christina Sheldon- Fiscal Officer

ZONING COMMISSION

Charles Pressley
Richard Crosby
Doug Winters
Randy Miller
Russell Montgomery, Alternate

BOARD OF ZONING APPEALS

Mitchell Hoyles
Richard Harmeyer
Joe Badger
Robert Hoefelich
John Harmeyer, Alternate

ZONING INSPECTOR

Terry Mitchell

EFFECTIVE DATE

September 27, 2018