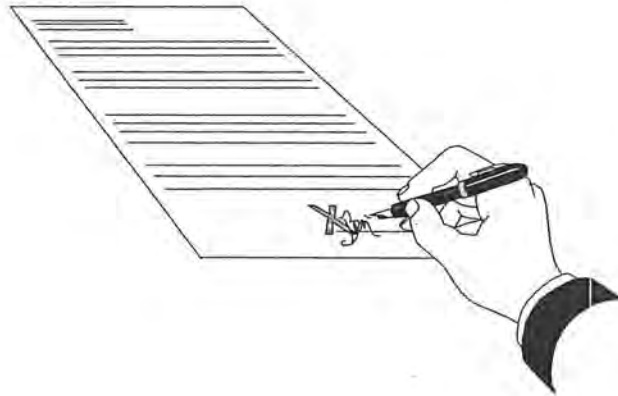


# ZONING RESOLUTION

OF

SHERMAN TOWNSHIP  
HURON COUNTY, OHIO



Adopted June 4, 1956  
Revised June 22, 1977  
Revised April 30, 2003  
Revised April 7, 2004  
Revised November 11, 2004  
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## PREAMBLE

A resolution of the Township of Sherman, Huron County, Ohio, enacted in accordance with a comprehensive plan and the provisions of Chapter 519, Ohio Revised Code, dividing the unincorporated portion of the Township into zones and districts, encouraging, regulating, and restricting therein the location, construction, reconstruction, alteration and use of structures and land; promoting the orderly development of residential business, industrial and public areas; providing for adequate light air, and convenience of access to property by regulating the use of land and buildings and the bulk of structures in relationship to surrounding properties; limiting congestion in the public right-of-ways; providing the compatibility of different land uses and the most appropriate use of land; providing for the administration of this resolution, defining the powers and duties of the administrative officers as provided hereafter, and prescribing penalties for the violation of the provisions in this resolution or any amendment thereto, all for the purpose of protecting the public health, safety, morals, comfort and general welfare; and for the repeal of resolutions inconsistent therewith.

THEREFORE, BE IT RESOLVED by the Board of Township Trustees of Sherman Township,  
Huron County, State of Ohio:

**ARTICLE I**

**TITLE, PURPOSE AND ENACTMENT**

100                   **TITLE**

This resolution shall be known and may be cited to as the Zoning Resolution of Sherman Township located in Huron County, Ohio.

110                   **PURPOSE**

This resolution is enacted for the general purpose of promoting the public health, morals, safety, and welfare of the residents of Sherman Township; to protect and to preserve the predominately agricultural land uses in Sherman Township, to protect the property rights of all individuals by assuring the compatibility of uses and practices within districts; to facilitate the provision of public utilities and public services; to lessen congestion on public roads and highways; to provide for the administration and enforcement of this resolution, including the provision for penalties for violations; it being the intent and purpose of this resolution to exercise the broadest possible authority provided to townships under the Ohio Revised Code.

120                   **INTERPRETATION**

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

130                   **SEPARABILITY**

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

140                   **REPEAL OF CONFLICTING RESOLUTIONS**

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

150                   **EFFECTIVE DATE**

This resolution shall be deemed an amendment to the zoning resolution of Sherman Township and shall become effective from and after the date of its approval and adoption as provided in Revised Code 519.12.

## ARTICLE 2

### ESTABLISHMENT OF DISTRICTS AND MAP

#### 200 PURPOSE

The purpose of this Article is to establish zoning districts in order to realize the general purposes set forth in the Preamble of this resolution, to provide for orderly growth and development, and to protect the property rights of all individuals by assuring the compatibility of uses and practices within districts. Nothing in this Article shall be construed to require the actual location of any district on the official zoning map, as it is the intent of this resolution to provide the flexibility in its administration to allow future expansion and emendation.

#### 210 ESTABLISHMENT OF DISTRICTS

The following districts are hereby established for the Township of Sherman located in Huron County, Ohio.

- A. Agriculture (A)
- B. Residential (R)
- C. Commercial (C)
- I. Industrial (I)

#### 220 OFFICIAL ZONING MAP

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

#### 221 ZONING MAP LEGEND

There shall be provided on the official zoning map a legend, which shall list the name of each zoning district and indicate the symbol for that district. A color, combination of colors, or black and white patterns may be used in place of symbols to identify the respective zoning districts in such legend. In addition to such legend, the official zoning map shall provide sufficient space for compliance with Section 224.

#### 222 IDENTIFICATION OF OFFICIAL ZONING MAP

The official zoning map shall be properly identified by the signatures of the Township Trustees as attested to by the Township Clerk. The map shall be maintained by the Township Zoning Inspector, and shall remain on file at the Sherman Township Hall. The official zoning map shall control whenever there is an apparent conflict between the district boundaries as shown on the map and the descriptions as found in the text of this resolution or any other resolution. The official zoning map shall be a reproducible document, and copies shall be made available to the public upon request and upon payment of a fee as established by the trustees.

223 **INTERPRETATION OF DISTRICT BOUNDARIES**

The following rules shall be used to determine the precise location of any zoning district boundary unless such boundary is specifically identified on the official zoning map:

1. Where district boundaries are so indicated as approximately following the centerline of thoroughfares or highways, streetlines, or highway right-of-way-lines, such centerlines, streetlines, or highway right-of-way lines shall be construed to be said boundaries;
2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries;
3. Where district boundaries are so indicated that they are approximately parallel to the centerlines or streetlines of streets, or the centerline or the right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the official zoning map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the official zoning map;
4. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracts of said railroad line;
5. Where the boundary of a district follows a stream, or other body of water, said boundary line shall be deemed to be along the center of the stream or body of water;
6. Where district boundaries are so indicated that they follow or approximate the limits of any municipal corporation, such boundaries shall be construed as following such limits;
7. Whenever any street, alley, or other public way is vacated by official action, the zoning district adjoining each side of such street, alley, or public way shall automatically be extended to the center of such vacation, and all areas within that vacation shall thenceforth be subject to all regulations appropriate to the respective extended districts;
8. All questions and disputes concerning the exact location of zoning district boundaries shall be resolved by the Township Board of Zoning Appeals.

224 **ZONING MAP AMENDMENTS**

Within fifteen (15) days of the effective date of any change of a zoning district classification or boundary, the Zoning Inspector shall amend the official zoning map to reflect such change, and shall note the effective date of such change, together with appropriate reference to the resolution authorizing such change.



## ARTICLE 3

### DISTRICT REGULATIONS

#### 300 COMPLIANCE WITH REGULATIONS

The regulations for each district set forth by this resolution shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

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

than herein required, or in any other manner be contrary to the provisions of this resolution;

3. No yard or lot existing at the time of the effective date of this resolution shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this resolution shall meet at least the minimum requirements set forth herein.

#### 310 OFFICIAL SCHEDULE OF DISTRICT REGULATIONS ADOPTED

District regulations shall be as set forth in the following Official Schedule of District Regulations hereby adopted and declared to a part of this resolution and in Article 4 of this resolution, "Supplementary District Regulations."

### A AGRICULTURAL DISTRICT

#### 312 PURPOSE

The agriculture district is established to preserve the predominate character of this Township as an agricultural community. All land in the Township except as otherwise designated on the official zoning district map, as being designed in another district, shall be classified as A Agriculture District.

#### 313 PERMITTED USES:

Within the A Agriculture District, the following uses shall be permitted:

- A. Agriculture
- B. Single family dwelling units
- C. Type B Family Daycare Home
- D. Home occupations
- E. Accessory buildings and uses

**314    CONDITIONALLY PERMITTED USES:**

Within the A Agricultural District, the following shall be conditionally permitted uses. Such uses shall be permitted only if the Board of Zoning Appeals determines that the proposed use meets the general conditions of Section 720 as well as the specific conditions contained in Section 730 which applies to that specific use:

- a. Churches
- b. Public parks, libraries and recreation facilities
- c. Private recreation facilities
- d. Schools
- e. Cemeteries
- f. Private clubs
- g. Child Daycare centers other than Type B Family Daycare Homes
- h. Veterinary clinic
- i. Golf Courses

**315    SIZE AND AREA REQUIREMENTS:**

Lot area, density, building heights, minimum floor areas and building setbacks shall be as provided in Section 365. If the minimum lot area provided in Section 365 is not sufficient for septic system approval, the minimum lot area shall be as approved by the Huron County Health Department.

**316    ACCESS REQUIREMENTS:**

All permitted and conditionally permitted uses shall abut and have access directly unto a duly dedicated and accepted public road.

**317    REAR ACCESS**

No more than five single family dwelling units shall be permitted along any public road within a distance of fifteen hundred (1,500) feet unless there is reserved for future street construction a strip of land not less than one hundred twenty-five (125) feet wide to allow future access to interior parcels of land.

## R RESIDENTIAL DISTRICT

### 320 PURPOSE

The R Residential District is designed to allow the development of a large number of residential lots in one area as well as other uses not inconsistent with residential use.

### 321 PERMITTED USES

- A. Agriculture
- B. Single family dwelling units
- C. Two family dwelling units
- D. Type B Family Daycare Homes
- E. Home occupations
- F. Accessory buildings and uses

### 322 CONDITIONALLY PERMITTED USES:

Within the Residential (R) District, the following shall be conditionally permitted uses. Such uses shall be permitted only if the Board of Zoning Appeals determines that the proposed use meets the general conditions of Section 720 as well as the specific conditions contained in Section 730 which applies to that specific use.

- a. Churches
- b. Public parks, libraries and recreation facilities
- c. Private recreation facilities
- d. Schools
- e. Cemeteries
- f. Private clubs
- g. Child Daycare centers other than Type B Family daycare homes
- h. Rooming/Boarding houses
- i. Bed and Breakfast
- j. Veterinary clinic
- k. Telecommunication Towers

### 323 SIZE AND AREA REQUIREMENTS:

Lot area, density building heights, minimum floor areas and building setbacks shall be as provided in Section 365 Schedule of Regulations. If the minimum lot area provided in Section 365 is not sufficient for septic system approval, the minimum lot area shall be as approved by the Huron County Health Department.

## C COMMERCIAL DISTRICT

### 330 PURPOSE:

The C Commercial District is intended for retail businesses and service uses which are needed to serve nearby residents. The intent of this district is to encourage the concentration of local business areas to the mutual advantage of both merchants and consumers and thereby promote the best use of land in certain appropriate locations.

### 331 PERMITTED USES:

#### A. Professional and service offices including but not limited to:

1. Architects
2. Attorneys
3. Chiropractors
4. Dentists
5. Engineers/surveyors
6. Financial consultants/tax preparation
7. Insurance agents
8. Optometrists
9. Podiatrist
10. Physicians
11. Real estate brokers
12. Utilities
13. Accessory buildings and uses
14. Veterinary Clinics

#### B. Commercial establishments including but not limited to:

1. Antique shop/mall
2. Banks and financial institutions
3. Barber shops, beauty shops, tanning or nail salons, and similar personal services
4. Books and stationary stores, not including adult book stores
5. Camera and photography supply stores
6. Candy, nut, and confectionery stores
7. Clothing and accessory stores
8. Drug stores
9. Florists
10. Funeral establishments
11. Furniture, home furnishings, an electronic equipment stores
12. Furriers and fur shops
13. Gift and novelty shops
14. Grocery stores, fruit and vegetable markets, meat or fish markets, retail bakeries and other miscellaneous food stores

15. Hardware stores
16. Jewelry stores
17. Laundromat and dry cleaning
18. Printing shops
19. Radio, television, music, and video rental stores
20. Restaurants
21. Shoe repair shops and shoe stores
22. Sporting good stores
23. Studios of art, dance, photography, or music
24. Private clubs
25. Churches and other buildings (with or without daycare) for the purpose of religious worship
26. Billiards, pool and bowling
27. Convenience stores, not dispensing motor fuels
28. Child daycare centers
29. Accessory buildings and uses

C. Parks, Libraries, and private recreational Facilities

332 **CONDITIONALLY PERMITTED USE:**

Within the Commercial (C) District, the following shall be a conditionally permitted use. Such use shall be permitted only if the Board of Zoning Appeals determines that the proposed use meets the conditions of Section 720 as well as the specific conditions in Section 730, which apply to that specific use.

- a. Gasoline service stations and convenience stores dispensing motor fuels.

333 **PROTECTION OF ADJOINING RESIDENTIAL PROPERTY:**

A six foot high obscuring fence shall be required along the side and rear lot lines on any parcel of land in this district which abuts the Residential (R) District or property within the Agricultural (A) District improved with a residential dwelling unit located within two hundred feet of the lot line.

334 **SIZE AND AREA REQUIREMENTS:**

Lot area, density, building heights, minimum floor areas, and building setbacks shall be as provided in Section 365 unless otherwise provided.

## I INDUSTRIAL DISTRICT

340 **PURPOSE:**

The I Industrial District is intended to provide a location for manufacturing, processing, distributing, and warehousing and other similar activities with sufficient restrictions upon them so that these activities do not have an adverse effect upon adjoining properties.

341 **PERMITTED USES:**

Manufacturing and wholesaling of:

- a. Bakery goods, candy, cosmetics, pharmaceuticals, toiletries, and food products.
- b. Cold storage plants, dairy product plants, bottling plants, and similar beverage or food processing operations.
- c. Film processing, enlargement, photo reproduction, printing, copying, binding and mailing activities.
- d. Lumber yards and home improvement centers for the sale, either retail or wholesale, of building and construction products, supplies, and materials.
- e. Manufacturing of consumer plastic goods.
- f. Manufacturing, processing or assembly of products including apparel, electric and electrical appliances, components, instruments and devices; household goods, musical instruments; toys; novelties.
- g. Offices and workshops for building trades such as general contractors, plumbing, heating and air-conditioning, electrical contractors, masonry contractors, excavators, sign fabrication and erection, and similar construction trades.
- h. Production of medical equipment and supplies, including prosthetic devices.
- i. Research and design, engineering and testing, and similar product development activities.
- j. Sales lots and service facilities for the sale or service of agricultural equipment, new and used cars; RVs, boats, commercial vehicles and construction equipment, and repair services for autos, trucks, equipment, and machinery including specialty shops for engine repair or rebuilding, body shops including painting, radiator repair, tire repair and sales, auto glass repair and replacement, and the sale of parts or materials incidental to the above uses.
- k. Self-storage facilities including RVs, boats, commercial vehicle parking/storage.
- l. Similar manufacturing, processing, service or warehousing and distribution operations, which will not have a detrimental impact on adjacent land uses, due to their generation of smoke, odor, noise, vibration, or discharge of pollutants to the atmosphere or water.
- m. Warehousing, distribution centers and wholesale trade operations, including motor freight terminals and offices (retail sales not permitted.)
- n. Welding, machining and other metal fabrication operations except casting and forging operations.
- o. Woodworking, cabinet making, upholstering, and other fabrication of furniture, home and office fixtures, or accessories.

342 **CONDITIONALLY PERMITTED USE:**

Within the I Industrial District, the following shall be a conditionally permitted use. Such use shall be permitted only if the Board of Zoning Appeals determines that the proposed use meets the conditions of Section 720 as well as the specific conditions in Section 730, which apply to that specific use.

- a. Sexually oriented businesses
- b. Gasoline service stations and convenience stores dispensing motor fuels.
- c. Breweries and the slaughtering or processing meat or fish products, rendering or refining of fats or oils, the production and packaging of pickles, sauerkraut, yeast, and any animal or pet foods.

343 **INDUSTRIAL PERFORMANCE STANDARDS:**

Uses permitted in this district shall comply with the following requirements:

1. Automatic Screw Machines: Permitted only when operated with noise silencers, and when located not less than three hundred (300) feet from any zoned residential district.
2. Stamping Machines, Punch Presses, and Press Brakes: Must be placed on shock absorbing mounting and on a suitable reinforced concrete footing. No machine shall be loaded beyond the capacity as prescribed by the manufacturer.  
For Punch and Stamp Presses, other than hydraulic presses, up to twenty (20) tons capacity permitted when two hundred (200) feet from nearest residential zone.

All press brakes must be located at least three hundred (300) feet from nearest residential zone.

3. Hot Forgings, Steam or Board Hammers: Not permitted.
4. Noise: Shall be muffled so as not to become objectionable due to intermittence, bear frequency, or shrillness. Noise as measured at the street or property line may not exceed sixty (60) decibels.
5. Odor: The emission of obnoxious odors of any kind shall not be permitted.
6. Gases, Smoke, Dust, Dirt, and Fly Ash: The emission of gases, smoke, dust, dirt, and fly ash shall in no manner be unclean, destructive, unhealthful, hazardous or deleterious to the general welfare. Such emission shall be in strict conformance with all applicable State and County health laws as pertaining to air pollution and smoke abatement.

A person shall not discharge into the atmosphere smoke in violation of Federal or State laws or regulations.

7. Glare and Heat: Glare and heat from arc welding, acetylene torch cutting or similar processes shall be performed behind a protective barrier conforming to all applicable state and federal safety regulations.
8. Fire and Safety Hazards: The storage and handling of flammable liquids, liquefied petroleum



gases, and explosives shall comply with all regulations of the Fire Department providing fire protection to the Township and with all State rules and regulations. Further, all storage tanks for flammable liquid materials above ground shall be located not less than one hundred and fifty- (150) feet from all property lines, and shall be completely surrounded by earth embankments, dikes or other type of retaining wall which will contain the total capacity of all tanks so enclosed.

Bulk storage tanks of flammable liquids below ground shall be located not closer to the property line than the greatest depth to the bottom of the buried tank.

9. Sewage Wastes: No industrial sewage wastes shall be discharged into sewers that will cause chemical reaction, either directly or indirectly, with the materials of construction to impair action that will destroy or damage the sewer structures; cause restriction of the hydraulic capacity of sewer structures; cause restriction of the normal inspection or maintenance of the sewer structures; cause placing of unusual demands on the sewage treatment equipment or process, cause limitation of the effectiveness of the sewer treatment process; cause danger to public health and safety; or cause obnoxious conditions inimical to the public interest.

#### 344 PROHIBITION OF OUTSIDE STORAGE AND LAND USE

1. All uses of land except as herein provided shall take place within a wholly enclosed structure, except that this shall not be construed to include the parking or storage of motorized vehicles, boats, agricultural equipment or building materials.
2. An area of the lot except required setbacks may be used for the purpose of storing manufactured products and materials awaiting processing provided such area is completely enclosed by a solid fence with no apertures of a height equal to the height of the highest point of stored materials and products.

#### 345 SIZE AND AREA REQUIREMENTS

Lot area, density, building heights, minimum floor areas, and building setbacks shall be as provided in Section 365 unless otherwise provided.

#### 355 DISTRICT REGULATIONS

The regulations set forth by this resolution shall apply to all residences, business and industrial structures and land. All buildings must maintain setback and sideline clearances. Any building on a permanent foundation or larger than One Hundred Forty-four (144) square feet shall be required to have a zoning certificate and a fee will be assessed for this certificate. Farm buildings, except residences, are not regulated.

#### 356 LOT AREA, WIDTH AND LOCATIONS

1. Every lot shall consist of an area suitable to accommodate the proposed principal permitted use, any accessory uses, and all required yards.
2. Each lot, as permitted in Article 3, Section 314.a and 322.a, shall be at least One Hundred Fifty (150) feet wide at the setback line, and contain a minimum of one (1) acre.



3. Each lot, as permitted in Article 3, Section 314.c and 322.c, shall be at least Three Hundred (300) feet wide at the setback line, and contain a minimum of five (5) acres.
4. Every residential and commercial lot or parcel shall abut upon a dedicated and accepted public thoroughfare. Industrial structures may be served by private streets.

357

#### **YARD REQUIREMENTS**

1. On a corner lot, the principal building and its accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.
2. On a corner lot or parcel, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and one-half (2 ½) and ten (10) feet above the road level in an area bounded by the property lines of such corner properties and a line joining points along said lines fifty (50) feet from the point of intersection.
3. Nonresidential buildings or uses shall not be located nor conducted closer than forty (40) feet to any lot line of a residential district, except that the minimum yard requirements may be reduced to fifty (50) percent of the requirements if acceptable landscaping or screening approved by the Zoning Inspector is provided. Such screening shall be a masonry or solid fence between four (4) feet and eight (8) feet in height maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than twenty (20) feet in width planted with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height at the time of planting. Either type of screening shall not obscure traffic visibility within fifty (50) feet of an intersection.
4. Open structures such as porches, canopies, balconies, platforms, carports, covered patios, and similar architectural projections shall be considered parts of the building to which attached and shall not project into the required minimum front, side or rear yard.

358

#### **HEIGHT REQUIREMENTS**

1. No structure shall be constructed in excess of the height that can be safely protected by all available firefighting equipment except where in structure fire protection is provided.
2. The height limitations contained 358.1 do not apply except in the residential district to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and takeoff of aircraft at an established airport.

359

### DWELLING SIZE AND STANDARDS

1. Dwelling size requirements, including those for attached garages, are specified at section 365 Schedule of Regulations.
2. All dwellings including mobile and manufactured homes shall be on a continuous masonry foundation, which shall extend below the frost line, or a minimum of 36 inches deep, and trucks and/or wheels and/or hitches and towing tongues shall be removed from securely anchored mobile homes.
3. Electrical wiring in all buildings shall meet the requirements of the most current National Electric Code.
4. Chimneys and vents for heating devices shall be constructed of materials having approval of the National Board of Fire Underwriters.

360

### PRIVATE SWIMMING POOLS

No private swimming pool, exclusive of portable swimming pools with a diameter less than twelve (12) feet or with an area of less than One Hundred (100) square feet shall be allowed in any commercial or residential district, except as an accessory use and unless it complies with the following conditions and requirements:

1. The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located;
2. It may not be located closer than fifteen (15) feet to any property line;
3. The swimming pool, or the entire property on which it is located, shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties, unless sides of said pool are at least four feet above grade. Said fence or wall shall not be less than four (4) feet in height and maintained in good condition with a gate and lock. This includes stairways to above ground pools.
4. The swimming pool shall be protected by the provisions of Article 680 of the current National Electrical Code, and any revisions or changes to this section of the Code, as may be adopted periodically.

361

### TEMPORARY BUILDINGS

Only the temporary buildings, construction trailers, equipment, and materials, used in the construction period, may be permitted and shall be removed upon completion of the project as specified in Article 4. Storage of such facilities or equipment beyond the completion date of the project shall require a zoning variance authorized by the Board of Zoning Appeals.

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### PERFORMANCE STANDARDS

No land or building in any district shall be used or occupied in any manner creating dangerous,

injurious, noxious, or otherwise objectionable conditions, which could adversely affect the surrounding areas or adjoining premises.

Such conditions shall be brought to the attention of the zoning inspector. If necessary, he shall call upon the proper County, State, or Federal Regulatory agency for assessment of the problem situation. Proper legal action shall then be instituted on request from Sherman Township officials.

363

### NATURAL RESOURCE EXTRACTION

Permission for the commercial extraction, storage or processing of any natural resource from and below the land in Sherman Township shall be considered as a conditional use to be decided by the Sherman Township Board of Zoning Appeals.

1. Extraction, storage or processing shall not be conducted closer than Five Hundred (500) feet from any dwelling and the operator shall file with the Zoning Inspector a location map, which clearly shows areas to be mined and the location of adjacent properties, roads, and natural features. The operator shall also submit information on the anticipated depth of excavations and on depth and probable effect on the existing water table as coordinated with the Ohio Division of Water.
2. The operator shall file with the Zoning Inspector a detailed plan for the restoration of the area to be mined, which shall include the anticipated future use of the area of the restored land, and proposed final topography indicated by contour lines of no greater interval than five (5) feet, the type and number per acre of trees or shrubs to be planted; and the location of future roads, drives, drainage courses, or other improvement contemplated.
3. The operator shall file a bond with the trustees payable to the Township and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The rate (per acre of property to be mined) of the required bond shall be fixed by the trustees. The bond shall be released by the trustees upon written certification by the Zoning Inspector that the restoration is complete and in compliance with the restoration plan.
4. No extraction, storage or processing shall be started prior to issuance of a Conditional Zoning Certificate and no Conditional Zoning Certificate shall be issued prior to posting of bond with the Board of Trustees.
5. Storage of explosives shall not be permitted in connection with the extraction of natural resources.



SECTION 365  
SCHEDULE OF REGULATIONS

Districts	Max. D.U. Per Lot	Minimum Lot Area		Maximum Height of Building		Minimum Yard Setback For Any Structure (Per Lot in Feet)			Minimum Floor Area Per Unit In Sq. Ft.
		Area In Acres or Sq. Ft.	Width In Ft.	In Ft.	In Stories	Front Yard From Centerline of Road	Each Side Yard	Rear Yard	
A Agriculture	1.0	2 Acre	150'	45'	3	75'	15'	25'	1300
R Residential	2.0	2 Acre	150'	45'	3	75'	15'	25'	1300 Single 1000 Double
C Commercial		2 Acre	150'	45'	3	75'	30'	50'	
I Industrial		3 Acres	200'	45'	3	75'	30'	50'	

- Note: 1) "D.U." is a Dwelling Unit.  
 2) A garage attached to a residence shall be no larger than one thousand (1000) square feet. For size restrictions on detached garages (accessory structures) see section 773 General Requirements.

**370 DRIVEWAY REQUIREMENTS**

1. Driveways for residential properties shall be constructed no less than thirty (30) feet wide at the portion of the driveway from the road to over the culvert. This requirement is to accommodate access from the road to the property by emergency vehicles.
2. Driveway culvert pipe shall comply with the size and specifications determined by the board of township trustees.

380 reserved

**390 ZONING PERMITS**

1. Before constructing, changing the use of or structurally altering any structure or building including accessory buildings, or changing the use of any premises, application shall be made to the Zoning Inspector for a Zoning Permit. This requirement shall not include interior remodeling if the type of use is not changed and shall not include exterior upkeep and maintenance.
2. A zoning permit is not required for a building:
  - a) Less than one hundred forty four (144) square feet in area; or
  - b) For agricultural use only.
3. A zoning permit is not required for the construction of:
  - a) Flagpoles, mailboxes, light poles, clothes poles;
  - b) Play structures, basketball backboards, decorative structures not exceeding twenty (20) square feet;
  - c) Broadcast receiving towers for residential use;
  - d) Ponds, [Construction requires prior approval by the Huron County Soil & Water Conservation District Office]; or
  - e) Swimming pools.
4. Applicant shall apply for a zoning permit by submitting all of the following to the Zoning Inspector:
  - a) Completed Application for Zoning Permit;
  - b) Plot plan drawn to scale showing the actual shape, location, and dimensions of the property;
  - c) Plan showing shape, size, and location of all buildings and other structures existing on the property and those to be erected, altered, or moved;
  - d) Information identifying existing and intended use of the property and the building structures;
  - e) Information identifying yard, open area, and parking dimensions;
  - f) Any other information necessary to determine that the proposed project complies with this Zoning Resolution; and
  - g) The fee established by the Township Trustees.

5. Within twenty (20) days of receipt of the completed Application, supporting documents, if any, and applicable fee, the Zoning Inspector shall either issue a Zoning Permit if the project complies with this Zoning Resolution, or deny the Zoning Permit if the project does not comply with this Zoning Resolution. If the Zoning Inspector denies the permit, the reasons for the denial shall be specified and the time within which to appeal the decision of the Zoning Inspector, and the manner to appeal, shall be specified. See Article 9, Appeals and Variances.
6. Zoning Permits shall become void at the expiration of six (6) months after issue date unless the construction has started or use changed. If no construction is started or use changed within the six (6) months of the date of the Permit, a new Permit for the work shall be required. Exterior construction shall be completed within eighteen (18) months of permit issuance, unless a renewal permit is issued and fee paid. No more than two (2) renewal permits shall be permitted for the same project.



## ARTICLE 4

### SUPPLEMENTARY DISTRICT REGULATIONS

400

#### GENERAL

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

401

#### CONVERSIONS OF DWELLINGS TO MORE THAN ONE UNIT

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

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

402

#### PRINCIPAL BUILDING PER LOT

No more than one principal building or structure may be constructed upon any one lot for the purposes of this resolution. Rear dwellings shall be prohibited and shall be considered nonconforming uses subject to the requirements of Article 8 of this resolution.

403

#### REDUCTION OF AREA OR SPACE

No lot, yard, parking area, or other space shall be reduced in area or dimension if such reduction has the effect of making the lot, yard, parking area, or other space less than the minimum required by this resolution. Furthermore, any lot, yard, parking area, or other space, which is already less than the required minimum shall not be reduced further. However, nothing in this section shall be interpreted to limit the power of the Board of Zoning Appeals in the granting of variances under this resolution.

404

#### CONSTRUCTION IN EASEMENTS

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

405

#### PARKING AND STORAGE OF VEHICLES AND TRAILERS

1. All Districts: All vehicles and trailers parked or stored outside must have current motor vehicle registrations and plates.
2. Residential Districts: No commercial vehicles, including commercial tractors, automobiles, trucks, buses, house trailers, and semi-trailers, shall be parked or stored on any property within a residential zoning district other than in a completely enclosed building except those commercial vehicles conveying the necessary tools, materials, and equipment to a premises where labor using such tools, materials, and equipment is to be performed during the actual time of parking. A maximum of one boat or one unoccupied recreational vehicle may be stored in the rear yard of any residentially zoned property.

406

#### REQUIRED REFUSE COLLECTION AREAS

The refuse collection areas provided by all commercial, industrial, and multifamily residential uses for the collection of trash, garbage, and other refuse shall be enclosed on three sides by a solid wall or fence of at least four (4) feet in height, unless within an enclosed building or structure. Provisions shall be made for regular and adequate vehicular access to such areas for collection purposes, as determined necessary by the Zoning Inspector. In addition, the following requirements:

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

The accumulation or storage of junk shall be prohibited in order to protect residents from conditions conducive to the infestation and breeding of vermin, insects, and rodents.

410

#### SUPPLEMENTAL YARD AND HEIGHT REGULATIONS

In addition to the regulations specified in Article 3 and in other sections of this resolution, Sections 411 through 416 inclusive shall be used for clarification and interpretation.



411

**SETBACK REQUIREMENTS FOR BUILDINGS ON CORNER LOTS**

The principal building and its accessory structures located on any corner lot shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.

412

**FENCE AND WALL RESTRICTIONS IN FRONT YARDS**

In any required front yard on a corner lot, no fence or wall shall be permitted which materially impedes vision across such yard back a distance of fifty-(50) feet from all adjoining roads above the height of two and a half (2 ½) feet, and no hedge or other vegetation shall be permitted which materially impedes vision across such yard between the height of two and a half (2 ½) feet and ten (10) feet back a distance of fifty- (50) feet from all adjoining roads.

413

**YARD REQUIREMENTS FOR MULTI-FAMILY DWELLINGS**

Multi-family dwellings shall be considered as one (1) building for the purpose of determining front, side, and rear yard requirements. The entire group as a unit shall require one (1) front, and (1) rear, and two (2) side yards as specified for dwellings in the appropriate district. Each individual building shall meet all yard requirements for the appropriate district as though it were on an individual lot.

414

**SIDE AND REAR YARD REQUIREMENTS FOR NONRESIDENTIAL USES ABUTTING RESIDENTIAL DISTRICTS**

Nonresidential buildings or uses shall not be located nor conducted closer than fifty (50) feet to any lot line of adjoining property zoned or used for residential purposes, except that the minimum yard requirements may be reduced to fifty (50) per cent of the requirement if acceptable landscaping or screening approved by the Zoning Inspector is provided. Such screening shall be a masonry wall or solid fence between four (4) and eight (8) feet in height maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than twenty-five (25) feet in width planted with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height at the time of planting. Neither type of screening shall obscure traffic visibility as required by Section 412 of this resolution.

420

**OBJECTIONABLE, NOXIOUS, OR DANGEROUS USES, PRACTICES, OR CONDITIONS**

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

1. The use or storage of flammable or explosive materials is not adequately protected by fire-fighting and fire-protection equipment or by such safety devices as are normally required for such activities;

2. Activities involving the use and storage of flammable and explosive materials are not removed from adjacent facilities or activities to a distance compatible with the potential danger involved;
3. Radioactivity or air pollution is present in violation of the regulations of the Ohio Environmental Protection Agency;
4. Hazardous wastes are present in violation of the regulations of the Ohio Environmental Protection Agency;
5. Objectionable noise to a person of ordinary sensibilities as determined by the Zoning Inspector due to volume, frequency or beat is present;
6. Vibration discernible by the Zoning Inspector without instruments is present on an adjoining lot or property;
7. Direct or reflected glare is present which is visible from any street or from any property not within a manufacturing district;
8. Erosion caused by wind or water is carrying objectionable substances onto any adjacent lot or property;
9. Water pollution or contamination is present in violation of the regulation of the Ohio Environmental Protection Agency.

421

#### **ASSURANCE REQUIREMENTS AND PLANS**

Prior to the issuance of a zoning permit, the Zoning Inspector may require the submission of written assurances and plans indicating the manner in which dangerous and objectionable aspects or elements of processes or operations entailed in certain uses or occupations are to be eliminated or reduced to acceptable limits and tolerances.

422

#### **ENFORCEMENT PROVISIONS**

Any occupancy, use, conditions or circumstances existing in violation of Section 420 and 421 of this resolution shall constitute a violation of this resolution and be subject to the enforcement procedures contained in Article 12 of this resolution.

430

#### **TEMPORARY USES**

The following regulations are necessary to govern certain uses, which are of a non-permanent nature. For such uses requiring temporary zoning permits at least seven (7) days before the commencement of such use, an application for a zoning permit shall be made to the Zoning Inspector, which shall contain a graphic description of the property to be used, a description of the proposed use, and a site plan, with sufficient information to determine the yard, setback, parking, and sanitary facility requirements for the proposed temporary use.

The following uses are deemed to be temporary uses and shall be subject to the specified regulations and time limits which follow as well as the regulations of any district in which they are located:

1. Real estate sales offices, which shall contain no living accommodations, shall be permitted within any district for any new subdivision for a period of one year, except that two (2) six-month extensions may be granted if conditions warrant. Such offices shall be removed upon the completion of the sales of the lots therein, or upon the expiration of the zoning permit, whichever occurs first.
2. Temporary buildings, offices, and equipment and storage facilities required in conjunction with construction activity may be permitted within any district for a period of one year, except that six-month extensions may be granted if construction is substantially underway. Such uses shall be removed immediately upon completion of the construction, or upon expiration of the zoning permit, whichever occurs first.
3. Temporary sales and services may be permitted with parking areas within any commercial district. A zoning permit valid for a period not to exceed four (4) consecutive days shall only be issued three (3) times within any twelve-month period to any individual or organization. The application for the temporary zoning permit shall be accompanied by written permission of the property owners, and shall be prominently displayed at the site. The Zoning Inspector shall not issue a permit for such temporary use if he determines that it encroaches upon more than twenty-five (25) percent of the required parking area.
4. Temporary retail sales and services, such as sales of plants, flowers, arts and crafts, farm produce, or similar items on lots other than parking lots, including any lot on which an existing business is operating or on which a business is vacated, may be permitted for any for-profit individuals or organizations in any commercial district. A zoning permit valid for a period not to exceed two (2) consecutive days shall only be issued three (3) separate times for any particular lot within any twelve-month period, and not more than one permit may issued at the same time for any lot. The applicant must submit a current vendor's license or transient vendor's license and a written statement from the property owner giving his permission for such use. This section shall not be interpreted to prohibit any such use in any case where a valid covenant or deed restriction specifically authorizes such use. In any case, the zoning permit shall be prominently displayed at the site.
5. Garage sales, which for the purposes of this section shall include yard sales, barn sales, and similar activities, may be permitted within any district in which dwellings exist. Any individual or family may conduct three (3) such sales within any twelve-month period upon the property at which he or they reside for a period not to exceed three (3) consecutive days without obtaining a zoning permit, so long as the provisions of this resolution pertaining to signs and parking are observed.

450

#### **AGRICULTURE PERMITTED**

Nothing in this resolution shall prevent the use of any land or farm buildings for agricultural purposes. No zoning permit/certificate is required for any farm building, except a residence. All buildings within the scope of the Ohio Basic Building Code must comply with its terms including obtaining a proper building permit.

451

### **FARM MARKETS**

Farm markets for the sale of products produced on the farm owned or operated by the market operator shall be permitted in any district subject to the following:

1. Such stands are not in the road right-of-way.
2. Such stands are at least thirty (30) feet back from the traveled portion of the road.
3. Adequate facilities are maintained for off the road parking of customers' vehicles.

452

### **SETBACK FROM PUBLICLY ESTABLISHED DRAINAGE DITCHES**

In all districts, and in addition to any other setback requirements, a setback of at least forty (40) feet from the top of the stream bank at the normal flow of publicly established drainage ditch shall be provided for all buildings or structures erected along such ditch.

453

### **COMMERCIAL AND INDUSTRIAL SEMI-FIREPROOF BUILDING CONSTRUCTION**

All buildings constructed or erected in a "Commercial" or "Industrial" District shall comply with all regulations of Bulletin No. 109, Ohio State Building Code, Division of Factory and Building Inspection, Department of Industrial Relations, entitled: "Workshops, Factories, Mercantile and Office Buildings," and other regulations applying to the type of buildings to be constructed.

454

### **FENCES**

Fencing (enclosing type) shall be permitted and shall not exceed a height of six (6) feet, nor be located on any public right-of-way. With mutual consent of adjacent property owners, the fence may be build on the property line, otherwise it shall off set the line by at least two (2) feet. A permit is not required.

455

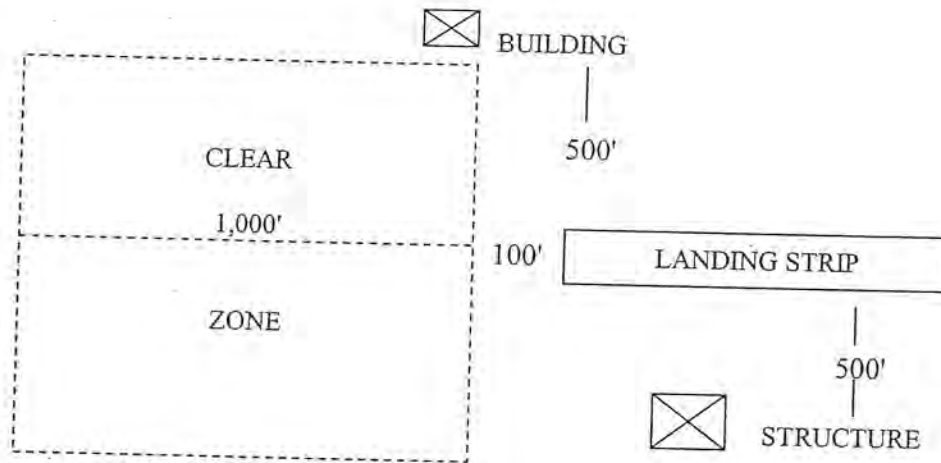
### **PRIVATE SWIMMING POOLS**

A private swimming pool shall be allowed as an accessory use in the agricultural or residential district provided:

1. the pool is intended and used solely for the enjoyment of the occupants and guests of the property on which it is located.
2. the pool including decks, walkways, and accessory uses adjacent thereto may not be located close than fifteen (15) feet from the property line of the lot on which it is located
3. the pool shall be completely enclosed with a fence with a lockable gate or gates with a minimum height of four (4) feet above the grade at all points. In lieu of a fence, above ground pools with a side wall height of at least four (4) feet may use a ladder or other entry system that can be removed or secured in a manner which prohibits unauthorized access.
4. Swimming pools located on a corner or double frontage lots shall not be permitted to project beyond the minimum front yard setback on any road.

NON-COMMERCIAL AIRPORTS

1. The center of the runway of any non-commercial landing strip, adjacent to and parallel with any existing building or structure in Sherman Township, shall be not less than 500 feet distance from said building or structure. This shall apply in all situations, except for the owner of the landing strip.
2. The ends of the useable area of any landing strip shall be clearly indicated by brightly colored threshold markers.
3. A "clear zone" shall begin 100 feet from the threshold markers and extend 1,000 feet in length. The center of said "clear zone" shall not be closer than 500 feet to any building or structure adjacent to and parallel with the "clear zone."





**PUBLIC UTILITIES**

The regulations shall not apply to public utilities or railroads except where express authority has been conferred by the Ohio Revised Code on the Board of Township Trustees or Board of Zoning Appeals in which case the entire Zoning Resolution shall be applied where applicable.

1. The regulation shall apply where authority is granted by the Ohio Revised Code for Township Trustees or Board of Zoning Appeals with respect to any telecommunications tower defined by ORC 519.211 and is proposed to be located in the R Residential District. When a telecommunications tower is proposed to be located in the R Residential District, it shall be and is as a conditional use. Telecommunication towers shall be permitted provided the Board of Zoning Appeals determines that each of the following conditions have been met:
  - a. For purpose of regulating such telecommunication towers in the R Residential District, a telecommunication tower shall be considered to exist if the free-standing structure including antenna exceeds forty-five (45) feet in height or if an attached tower exceeds the height of the building or other structure to which it is attached by more than ten (10) feet.
  - b. A site plan shall be provided showing the design and painted color of the tower and its location on the property.
  - c. No tower shall be constructed with lights and be painted in red/white or in other bright colors or configuration color except when specifically required by a Federal law or regulation. When lights are required, strobe lights shall not be used unless specifically required by Federal law or regulation.
  - d. The site shall be a minimum of the height of the tower plus fifty (50) feet from the nearest parcel of land used for residential purposes and the centerline of any public road except: (1) where a communication's tower already exists on the same parcel that was constructed prior to January 1, 2000, and (2) the proposed tower will not be constructed beyond a radius of one hundred (100) feet from such prior existing tower.
  - e. The minimum setback line between the base of the tower and all adjacent properties shall be the height of the tower plus fifty (50) feet.
  - f. The tower shall be sited and be of a design and color(s) that would incorporate the characteristics of the immediate surrounding area so as to provide a natural blending of the tower into its surrounding environment and aesthetically soften its intrusion into a residential area. No advertising shall be permitted on the tower.
  - g. Unless the proposed tower would be located on a parcel where another tower already exists as otherwise provided in paragraph (d) above, the applicant shall demonstrate that the need for the proposed tower cannot be accommodated by co-locating systems on an existing tower.
  - h. Each tower shall be designed to accommodate the addition and co-location of a minimum of two additional telecommunication systems.

- i. If the tower is abandoned, it shall be removed within ninety days of its last date of operation or thereafter be removed by the Township and the cost of removal billed to the owner of the tower.
2. In the event, an existing tower is to be reconstructed, changed, altered or enlarged, then it shall be permitted by the Board of Zoning Appeals subject to the conditions of this Section. In no event shall any change or alteration be permitted that would substantially increase the tower's height.
3. Any person who plans to build a telecommunication tower shall provide the following by certified mail to each property owner as shown on the Auditor's tax list whose land is contiguous to or directly across a roadway from the property on which the tower is proposed to be constructed. Stating all of the following in clear and concise language.
  - a. The persons intent to construct the tower.
  - b. A description of the property sufficient to identify the proposed location of the tower.
  - c. Written notice to the Township Trustees by certified mail of the specified information. This notice to the Township Trustees shall also include verification that the person has complied with items a and b of this section.
4. No later than 15 days after the mailing of the notice any such property owner may give notice to the Township Trustees requesting that section 519.02 to 519.25 of the Revised Code apply to the proposed location of the tower.
5. If the Board of Township Trustees receives a notice from a property owner within the specified time or if a Township Trustee makes an objection to the proposed location of the telecommunications tower, a notice will be sent to the person proposing to build the tower. The notice will inform the person proposing to build the tower that an objection to the proposed tower has been received. This notice will be sent no later than 5 days after receiving such notice from a property owner or trustee. Upon the date of mailing of this notice, the provisions of this resolution and Chapter 519 Revised Code shall apply to the proposed telecommunication tower and the person proposing to build the same may do so only upon being issued a conditional zoning permit in accordance with this section and Article 7 of this Resolution.

458

#### **CONCRETE DRIVEWAYS**

No concrete driveway shall be constructed closer than ten (10) feet of the edge of the paved surface of the road.

## ARTICLE 5

### OFF-STREET PARKING REGULATIONS

500 In all districts, in conjunction with the erection or enlargement of every building or structure, off-street parking space shall be provided with adequate access to each space. Parking facilities serving buildings and facilities required to be accessible to the physically handicapped shall have conveniently located designated spaces provided in accordance with the Americans with Disability Act Fair Housing Amendments Act, Uniform Federal Access Standards and the Minimum Guidelines and Regulations for Access Design.

### 501 GENERAL REGULATIONS

1. Any area once designated as required off-street parking shall never be converted, changed, or occupied by another building, structure, or use of land until equal facilities are provided elsewhere.
2. Land area designated for off-street parking facilities shall be used solely for the parking of vehicles, and no commercial repair work, service, or outdoor storage or sales of any kind shall be conducted on all or any part of such parking lot
3. Any use not specifically mentioned shall provide minimum off-street parking facilities in accordance with the requirements established for a use, which is similar in type and nature.
4. The Board of Zoning Appeals may grant a variance to the requirements of this Article where joint use is made of parking facilities, provided the operating hours of such uses do not overlap to such an extent as to make the joint use impractical.
5. Required off-street parking facilities shall be located on the same lot as the structure or use served, except that a parking facility providing the sum of parking spaces required of several uses may be provided contiguous and in common to the several structures and uses served.
6. Public uses such as churches, schools, and parks may establish with business or industrial establishments joint parking facilities for 50 percent or less of their required spaces, provided that a written agreement is forwarded, reviewed, and approved by the Zoning Inspector and provided further that all parking areas so designated be within 200 feet of the public use.

### 502 MINIMUM NUMBER OF OFF-STREET PARKING SPACES REQUIRED, USE DESIGNATION/MINIMUM NUMBER OF SPACES REQUIRED.

1. R Residential and A Agricultural District
  - a. Two per dwelling unit
  - b. Bed and breakfast and boarding house: 2.0 spaces and one added space per each room available for rent to the public



2. C. Commercial District

- a. Auto wash: One for each employee and one drying space for each stall
- b. Beauty parlor or barber shop: Three spaces for each beauty or barber chair
- c. Bowling alleys: Five spaces for each bowling lane, plus one for each employee
- d. Dance halls, pool, or billiard parlors: One space for each 50 of usable floor area
- e. Establishments for the sale and consumption of beverages, food, or refreshments on the premises: One space for each three patron seats
- f. Furniture and appliance stores, household equipment, and other similar uses: One space for each 800 square feet of usable floor area
- g. Gasoline service stations: One space for each lubrication stall or rack and one space for each gasoline pump
- h. Laundromats and coin-operated dry cleaner: One space for each two machines
- i. Miniature or par-3 golf courses: Two spaces for each one hole, plus one for each employee
- j. Mortuary establishments, funeral homes: Ten spaces per chapel room or parlor or one for each 50 square feet of usable floor area, whichever is greater
- k. Motel, hotel, or other commercial lodging establishment: One space for each occupancy unit, plus one space for each employee
- l. Motor vehicle sales and service establishments: One space for each 200 square feet of usable floor area, and one space for each auto service stall in the service room
- m. Retail establishments: Four spaces for each 1,000 square feet of usable floor area
- n. Banks, savings and loan companies: One space for each 200 square feet of usable floor area
- o. Business offices or professional offices: One space for each 300 square feet of usable floor area
- p. Doctors, dentists offices: One space for each 100 square feet of building area

3. I. Industrial District

- a. Industrial, research, and storage establishments: One space per 1,000 square feet or one space per employee in the maximum working shift; whichever is greater.
- b. Wholesale establishments: Five spaces plus one space for every 1,000 square feet

Institutional Recreational Uses

- a. Auditorium, stadium, exhibition hall, and assembly halls, or similar uses: One space for each three seats or six feet of benches, plus one space for each employee
- b. Business and technical schools: One space for each teacher, employee, and administrator, plus one space for every two students
- c. Churches and temples: One space for each three seats, based on maximum seating capacity as determined by the state or local fire marshal
- d. Convalescent homes, children's homes: One space for each three beds, plus one space for each employee

- e. Elementary and junior high schools: One space for each teacher, employee, and administrator, plus the minimum requirements stated for an auditorium
- f. Senior high schools: Four spaces for each classroom, office, or special classroom; and the minimum requirement for an auditorium
- g. Golf courses other than a miniature or par-3 golf course: Four spaces for each hole or green, plus one space for each employee
- h. Hospitals and nurses' training schools: One space for every three beds and one space for each employee and doctor registered with the hospital
- i. Private and municipal swimming pools, tennis clubs, or other similar uses: One space for each two member families or individuals lawfully permitted in the pool at one time and two spaces per court, plus one space per employee.

**503 SUPPLEMENTAL REGULATIONS**

Off-street parking shall be permitted to occupy part of the front yard after the parking lot layout, drives, and aisles have been reviewed and approved. A minimum front yard setback of ten feet, exclusive of drives and aisles and measured from the nearest point of the off-street parking area and the nearest point of the street right-of-way line, shall be maintained.

Off-street parking facilities shall be located on the same lot or within 200 feet of the building it is intended to serve. The maximum distance of 200 feet shall be measured from the nearest point of the building to the nearest point of the off-street parking lot.

Industrial Districts

Parking shall be permitted within the side and rear yard setback. When parking is planned for side and rear yards, the layout of drives, aisles, and maneuvering lanes shall be subject to review and approval.

**504 OFF-STREET PARKING SPACE LAYOUT AND STANDARDS**

Whenever the off-street parking requirements indicated above require the construction of an off-street parking facility, such parking lots shall be designed, constructed, and maintained in accordance with the following regulations.

- a. Curb cuts for ingress and egress to corner lots shall be located a minimum distance of 50 feet from the intersection of the curb lines.
- b. No driveway shall be located closer than 20 feet from any adjoining lot line.
- c. There shall be no more than one entrance and one exit or one common drive from each parking lot.
- d. Drives for entrances or exits only shall have a minimum width of 14 feet and a maximum width of 18 feet. Common drives for both entrance and exit shall have a minimum width of 20 feet and a maximum width of 30 feet. Industrial drives shall be a minimum of thirty (30) feet wide and a maximum of forty (40) feet wide.

- e. Where ingress or egress is to be on a corner lot, the Zoning Inspector shall review the proposed development and will require the drives to be located on the street least congested or hazardous to auto traffic.
- f. Access to all parking spaces shall be through means of maneuvering lanes. Backing directly from a parking space onto a public road is prohibited.
- g. When the parking lot abuts residential uses, a barrier to prevent uncontrolled pedestrian access shall be required. Barriers can be in the form of landscaping or fencing.
- h. Handicapped parking spaces shall be provided as required by state and federal codes.
- i. The layout of individual parking spaces shall be in accordance with the following standards:

Parking Angle at Base Line (°)	Space Width	Space Length	Maneuvering Lane Width
45 Degrees	9 Feet	20 Feet	16 Feet
60 Degrees	9 Feet	20 Feet	20 Feet
90 Degrees	9 Feet	20 Feet	24 Feet

- j. All lighting used to illuminate parking areas shall be arranged as to direct light away from adjoining properties or streets and no open light sources such as the stringing of bulbs will be permitted.
- k. Parking areas shall be of usable shape and improved with a bituminous asphalt or concrete surface.
- l. Parking areas shall be graded and drained and provided with storm drainage adequate to dispose of all surface water accumulation. Stormwater retention or detention facilities may be required. Grades on the parking areas, drainage facilities, and stormwater management facilities shall not vary from the site plan by more than plus or minus one-half inch.
- m. Parking areas abutting a residential district shall be provided with an obscuring fence or obscuring greenbelt at least six feet in height on those sides abutting a residential district.
- n. All parking areas shall be maintained in accordance with the above standards as long as that facility is in use by any business or industry.

## ARTICLE 6

### SIGNS

#### 600 DEFINITIONS

For the purpose of this Article, the following definitions shall apply:

- a. "Commercial sign" means a sign used to promote the sale of a product or service.
- b. "Off-premises activities sign" means a sign denoting the name of a business, its products, services, logo, slogans or other information relating to goods or services which are not sold on the premises where the sign is located.
- c. "On premises activities sign" means a sign denoting the name of a business or its products, services, logo, slogans or other information relating to goods or services sold on the premises where the sign is located.
- d. "Pole sign" means a sign wholly supported by a structure placed on or into the ground.
- e. "Projecting sign" means a sign, which is affixed to a wall or other structure in such a manner as to form a ninety-degree angle therewith.
- f. "Pylon sign" means a sign with an enclosed base, which appears to be an integral part of the sign.
- g. "Shopping center" means a group of contiguous retail stores originally planned and developed as a single unit with common off-street parking facilities.
- h. "Sign" means any object, which is used to display words, letters, pictures, or symbols with the intent to convey a message or attract attention.
- i. "Temporary signs" means a sign which is not permanently affixed to the ground or building and is capable of being moved with a minimum of effort.
- j. "Wall sign" means a sign attached or erected against or applied directly upon a wall of a building or other structure and may be an integrated part of the wall with the exposed face of the sign in a plane parallel to the plane of the wall.

#### 601 PURPOSE

It is determined that the use of land for the location of signs is a significant use of land within the Township. In order to promote the aesthetics of the Township and to reduce the hazards to motorists and pedestrians from the distractions caused by signs, these regulations are enacted as the minimum necessary to protect the public safety and welfare.

602 **EXCEPTIONS**

The following signs shall be permitted in all districts within the Township and no sign permit shall be required for them:

- a. Traffic control or other regulatory or identification signs erected by the Federal, State, County, or Township governmental authorities.
- b. One sign per parcel advertising the sale, rental or lease of real estate provided such signs are located on the premises that are the subject of the sale, rental, lease, unlighted and no larger than ten square feet.
- c. Political signs provided they are removed no later than ten days after the election at which the candidate or issue appears on the ballot.
- d. In residential districts, garage, basement, porch or other casual sale signs provided no more than three days each time.
- e. Signs erected for the convenience of the public showing the location of telephones, bus stops and other public conveniences.
- f. Real estate open house or directional signs provided they are displayed for no more than one day after the open house.
- g. Temporary banners or signs announcing educational, religious or public events no larger than twenty square feet and located on the premises where the event is to occur.

603 **PERMIT REQUIRED; FORM; FEE**

- a. Permit Required. With the exception of those signs listed in Section 602, and those excluded under Section 615, no person, firm, or corporation shall erect, enlarge or structurally alter any sign within the Township without first obtaining a permit from the Township Zoning Inspector. No permit shall be required for the change in an existing sign which does not increase its size or change its structural nature.
- b. Permit Form The Zoning Inspector shall provide application forms for a sign permit which, when approved by him, shall become the sign permit. The application shall contain the following information:
  1. Name and address of the owner of the property where the sign is to be erected.
  2. Name and address of the sign erector.

3. A description of the sign including the materials used in its construction, its size and the details and calculations of its structural design including the design of its foundation in such a form that the County Engineer requires so that its safety can be assured.
4. A diagram of the proposed sign and its location on the property.
5. Such application shall be accompanied by fees set by the trustees.

604        **SIGNS PERMITTED IN RESIDENTIAL DISTRICTS**

Commercial signs are hereby determined to be a nonresidential use of land and no commercial signs except as expressly hereinafter permitted in this section shall be allowed in the R Residential District.

- a. A single sign of no more than two square feet advertising a home occupation.
- b. Signs identifying a nursing home, rest home, convalescent home, fraternity or sorority house, rooming or boarding house, group home or apartment building or complex or a subdivision not to exceed in size twenty-five square feet.

605        **SIGNS PERMITTED IN COMMERCIAL, AGRICULTURAL AND INDUSTRIAL DISTRICTS**

In the Commercial, Agricultural, and Industrial districts, the following signs are permitted:

- a. All signs allowed in the residential districts under Section 604
- b. On premises activities signs as hereinafter regulated
- c. Off premises activities signs subject to the following:

The minimum lot width for the location of any off-premises sign shall be two hundred feet. In addition, no sign shall be located within one thousand feet of any existing off-premises sign nor within two hundred-fifty feet of any street right-of-way intersection. Each off-premises sign shall not exceed six hundred square feet of total display area.

606        **SIZE LIMITATIONS**

In the Commercial, Agricultural or Industrial district, each establishment shall be allowed the following signs:

- a. One wall sign with a maximum area of forty square feet for each 1,000 square feet of floor area open to the public, but in no event larger than 300 square feet.
- b. In lieu of one wall sign stated in subsection (a) hereof, one projecting sign with a maximum area of twenty square feet per side for each 1,000 square feet of area open to the public but in no event larger than 150 square feet per side.



- c. One pole or pylon sign with a maximum area of 150 square feet per side.
- d. Accessory signs such as those denoting brand names of articles sold or credit cards accepted not to exceed twenty square feet per business.

607 **POLE OR PYLON SIGNS**

- a. Heights No pole or pylon sign shall be higher than thirty feet from the ground.
- b. Location No pole or pylon sign shall be located closer than ten feet of the public right-of-way nor closer than twenty feet of any adjoining property lines.

608 **LIGHTING**

All signs that are lighted shall have the lighting arranged in such a manner as to minimize its effects upon neighboring properties or adjacent streets, and shall not be designed or located to cause confusion with traffic control lights. All lighting shall be of constant intensity and no flashing, intermittent, rotating or moving lights shall be allowed.

609 **SIGNS IN PUBLIC RIGHT-OF-WAY**

No signs except those erected by a governmental agency shall be permitted upon the public right-of-way and any sign so located shall be deemed a public nuisance subject to immediate removal.

610 **COMPLIANCE WITH STATE LAW**

All signs erected in this Township in addition to complying with the provisions of this chapter shall comply where applicable with Ohio R.C. Chapter 5516.

611 **TEMPORARY SIGNS**

Temporary signs not exceeding fifty square feet in area shall be allowed in the Commercial, Agricultural and Industrial areas in addition to all other signs permitted by this chapter for a period not to exceed thirty days a year.

612 **VARIANCES**

- a. The Board of Zoning Appeals is hereby authorized to grant variances from any of the provisions of this chapter if it determines from the evidence presented that the literal application of these provisions will cause practical difficulties. The Board of Zoning Appeals shall in granting a variance from the requirements of this chapter consider the following factors:
  - 1. The extent to which the variance will impair vehicular or pedestrian traffic by distracting attention from traffic control signals.
  - 2. The extent to which any variance will interfere with ingress or egress including sight distance to the applicant's property or any adjacent property.

3. The extent of which any variance will interfere with public utility poles, wires or other facilities or traffic control devices.
  4. The extent to which the variance will have an adverse effect upon property values in the area.
  5. The extent to which the variance will detract from the appearance of the area.
- b. Procedure Whenever the Zoning Inspector is unable to issue a sign permit because the proposed sign does not comply with the provisions of this chapter, he shall advise the applicant of his/her right to appeal to the Board of Zoning Appeals for a variance. Such appeal shall be in accordance with Article 9.

**613 PROHIBITED LOCATIONS**

No sign shall be allowed to overhang a public street or sidewalk nor be located within six feet horizontally or twelve feet vertically of any electrical lines or appurtenances.

**614 REMOVAL OF UNSAFE SIGNS**

If the Zoning Inspector finds that any sign within the Township presents a risk of harm to persons or property, he shall immediately give written notice to the landowner where the sign is located. Unless the unsafe condition is remedied within ten days, the Zoning Inspector shall cause the sign to be removed. In the event of a clear and present danger that the sign will fall or otherwise injure a pedestrian or motorist, the Zoning Inspector may cause the sign to be removed without prior notice.

**615 POLITICAL, RELIGIOUS OR CHARITABLE SIGNS**

In addition to the signs excluded from regulation by Section 602, this chapter is not intended to apply to signs advocating political, religious or philosophical points of view which are located on private property. No permit shall be required for such signs nor shall the other restrictions of this chapter be applicable to them.

**616 CONSTRUCTION OF SIGNS**

All signs shall be constructed in accordance with the Ohio Basic building Code and applicable electrical regulation and shall be subject to building and electrical inspection by Huron County.

**617 ABANDONED SIGNS**

Any business, which ceases to operate, shall remove all signs from the premises. Upon failure to do so, the Zoning Inspector shall give notice to the owner of the property to remove the sign at the landowner's expense.



## ARTICLE 7

### CONDITIONAL USES, SUBSTANTIALLY SIMILAR USES AND ACCESSORY USES

#### 700 REGULATION OF CONDITIONAL USES

The provisions of Sections 700 to 752 inclusive of this resolution apply to the location and maintenance of any and all conditional uses.

#### 701 PURPOSE

In recent years, the characteristics and impacts of an ever-increasing number of new and unique uses, together with the broadening of numerous conventional uses, have fostered the development of more flexible regulations designed to accommodate these activities in a reasonable and equitable manner, while safeguarding both the property rights of all individuals and the health, safety, and general welfare of the community. Toward these ends, it is recognized that this resolution should provide for more detailed evaluation of each use conditionally permissible in a specific district with respect to such considerations as location, design, size, method(s) of operation, intensity of use, public facilities requirements, and traffic generation. Accordingly, conditional use permits shall conform to the procedures and requirements of Sections 710 to 752 of this resolution.

#### 710 CONTENTS OF CONDITIONAL USE PERMIT APPLICATION

Any owner, or agent thereof, of property for which a conditional use is proposed shall make an application for a conditional use permit by filing it with the Zoning Inspector, who shall within seven days transmit it to the Board of Zoning Appeals. Such application at a minimum shall contain the following information:

1. Name, address, and phone number of the applicant;
2. Legal description of the property;
3. Zoning district;
4. Description of existing use;
5. Description of proposed conditional use;
6. A plan of the proposed site for the conditional use showing the location of all buildings, parking, and loading areas, streets and traffic accesses, open spaces, refuse and service areas, utilities, signs, yards, landscaping features, and such other information as the Board may require;
7. A narrative statement discussing the compatibility of the proposed use with the existing uses of adjacent properties and with the comprehensive development plan including any county comprehensive development plan, to include an evaluation of the effects on adjoining properties of such elements as traffic circulation, noise, glare, odor, fumes, and vibration;
8. A list containing the names and mailing addresses of all owners of property contiguous or

directly across the street from the property in question as shown on the County Auditor's current tax list;

9. A fee as established by resolution;
10. A narrative addressing each of the applicable criteria contained in Section 720.

720

#### **GENERAL STANDARDS FOR ALL CONDITIONAL USES**

In addition to the specific requirements for conditionally permitted uses as specified in Section 730, the Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. Is in fact a conditional use as established under the provisions of this resolution and appears on the Schedule of District Regulations adopted for the zoning district involved;
2. Will be in accordance with the general objectives, or with any comprehensive plan and/or the zoning resolution;
3. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
4. Will not be hazardous or disturbing to existing or future neighboring uses;
5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
7. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;
8. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;
9. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

730 **SPECIFIC CRITERIA FOR CONDITIONAL USE**

In addition to the general standards applicable to all conditional uses as provided in Section 720, the following additional conditions shall be applicable to the specific conditional uses listed below:

1. Churches (Agricultural and Residential Districts)
  - a. The lot area shall be adequate to accommodate the required off-street parking requirements of the church as specified in Article 5.
  - b. The church building shall be setback from all property lines a minimum of seventy-five (75) feet.
  - c. Parking shall not be permitted within fifty (50) feet of any side or rear property line, which shall be maintained as open green space.
  - d. A cemetery shall not be a permitted use in conjunction with the church.
2. Cemeteries (Agricultural and Residential Districts)
  - a. The site shall have direct access to a major thoroughfare, which the Board of Zoning Appeals determines is adequate to serve the size of the facility proposed.
  - b. Any new cemetery shall be located on a site containing not less than twenty-five (25) acres.
  - c. All buildings, including but not limited to mausoleums and maintenance buildings, shall not be located within 100 feet of any property line. Maintenance buildings shall be located in the rear of the property away from public roads.
  - d. All graves or burial lots shall be set back not less than twenty-five (25) feet from any property line.
3. Veterinary Clinic (Agricultural and Residential Districts)
  - a. Outdoor pens and exercise runs shall be kept in a clean and sanitary condition and shall be screened from public view. A screening plan shall be submitted to the Board of Zoning Appeals for approval.
  - b. Sanitation practices shall be adequate to assure that objectionable odors shall not be noticeable on or off the lot considering various wind conditions.
  - c. The applicant shall submit a written statement showing the measures and practices he will use to reduce the noise level in the design of the building and the management or rotation of animals in outdoor exercise runs.
  - d. No dead animals shall be buried on the premises and incineration of dead animals shall not create odors or smoke.

4. Child Daycare Center except Type B Family Daycare Home (Agricultural and Residential Districts)
  - a. Outdoor playgrounds, tot lots, and exercise areas, shall be fully enclosed by a fence of at least (6) feet in height and the design shall be approved by the Board of Zoning Appeals.
  - b. The applicant shall submit a parking and traffic circulation plan to the Board of Zoning Appeals for approval. The design, location, and surface of the parking areas and vehicular approaches shall be subject to approval by the Board of Zoning Appeals so as to reduce congestion, promote safety, and reduce the impact on the residential character of the neighborhood. The plan shall provide for the separation of incoming and outgoing vehicles during high volume periods and shall provide a safe drop off point for children that will not impede other traffic.
  - c. The applicant shall provide a copy of the current license to operate to the Board of Appeals.
5. Boarding or Rooming House (Residential District)
  - a. No more than two persons shall occupy each sleeping room
  - b. Fire escapes shall be provided as approved by the Board of Zoning Appeals
  - c. Fire exit instructions shall be posted in each sleeping room
  - d. All applicable provisions of the fire code shall be met and certification of such compliance by the appropriate official shall accompany the application
6. Bed/Breakfast (Residential Districts)
  - a. No more than two adults shall occupy each sleeping room. Children are permitted to occupy the same room provided that no more than five (5) persons occupy one room.
  - b. Fire escapes shall be provided as approved by the Board of Zoning Appeals
  - c. Fire exit instructions shall be posted in each sleeping room
  - d. All applicable provisions of the fire code shall be met and certification of such compliance by the appropriate official shall accompany the application
  - e. The facility shall be operated so that guests reside at the home for not longer than one continuous week
  - f. The facility shall contain not more than four (4) sleeping rooms for guests

7. Golf Courses (Agricultural District)
  - a. Golf courses may include those features which are customarily associated such as a driving range, putting green, a clubhouse, pro-shop and restaurant
  - b. All buildings shall be subject to the following setbacks:
    1. Front property setback shall be 100 feet from the street right of way which may not be used for parking
    2. Side and rear property setback shall be 100 feet
  - c. Minimum property size 75 acres in a contiguous parcel
  - d. Hard surface parking area shall be provided as follows:
    1. Six per hole plus one space for the maximum number of employees to be present at any time
    2. One additional space for each three seats in a restaurant open to the public
  - e. All lighting shall be shielded so as to not shine on adjacent property
  - f. No outside loud speakers shall be permitted
  - g. One lighted sign visible from the public right of way no higher than ten feet in height and not to exceed a total of ninety square feet per side shall be permitted
  - h. No building shall exceed one story
8. Public Parks, Libraries and Recreation Facilities (Agricultural and Residential Districts)
  - a. All buildings shall meet the minimum front, side and rear yard setback of the district
  - b. A twenty-five foot green belt shall be placed along the side and rear lot lines abutting property containing a dwelling unit within two hundred feet
  - c. Adequate off-street parking areas shall be provided so that there shall be no need for parking on adjacent public roads
9. Private Recreation Facilities (Agricultural and Residential Districts)
  - a. All buildings shall meet the minimum front, side and rear yard setback of the district

- b. A twenty-five foot green belt shall be placed along the side and rear lot lines abutting property containing a dwelling unit within two hundred feet
  - c. Adequate off-street parking areas shall be provided so that there shall be no need for parking on adjacent public roads
  - d. No outside loud speakers shall be allowed
  - e. No lightning shall be constructed so as to shine on neighboring property
  - f. All campgrounds shall comply with regulations HE-25-01 through HE-25-25, inclusive, Regulations Relative to the Location, Layout, Construction, Drainage, Sanitation, Safety and Operation of Camps of the State of Ohio Department of Health.
  - g. No construction of any street or part of any camp shall be started prior to issuance of a zoning permit and no zoning permit shall be issued prior to the Huron County and State Department of Health approval.
10. Schools (Agricultural and Residential Districts)
- a. All buildings shall meet the minimum front, side and rear yard setback of the district
  - b. A twenty-five foot green belt shall be placed along the side and rear lot lines abutting property containing a dwelling unit within two hundred feet
  - c. Adequate off-street parking areas shall be provided so that there shall be no need for parking on adjacent public roads
11. Private Clubs (Agricultural and Residential Districts)
- a. All buildings shall meet the minimum front, side and rear yard setback of the district
  - b. A twenty-five foot green belt shall be placed along the side and rear lot lines abutting property containing a dwelling unit within two hundred feet
  - c. Adequate off-street parking areas shall be provided as specified in Article 5, so that there shall be no need for parking on adjacent public roads
12. Sexually Oriented Businesses (Industrial District)
- 1. That the parcel of land upon which the sexually oriented business is located is a minimum of one thousand (1,000) feet measured in a straight line from the nearest edge of the property to the nearest edge of a parcel of land containing a school, church, cemetery, library, funeral home, residence, public park, tavern, bar or residence.
  - 2. That the parcel of land upon which the sexually oriented business is located is a minimum of one thousand (1,000) feet measured in a straight line from the nearest edge of the property to the nearest edge of any other parcel of land containing a sexually oriented business.
  - 3. Nothing in this Section shall be deemed to amend Chapter 2907, Sex Related Offenses of



the Ohio Revised Code or otherwise make any conduct legal which is illegal under the Ohio Revised Code.

4. All points of ingress and egress shall be located no closer than two hundred (200) feet from an intersection measured from the street right-of-way lines.
  5. No employee of adult business in the performance of an employee's duties shall appear on the premises in a state of nudity, except where the employee is appearing on a stage that is at least twenty-four (24) inches above the main floor level of the adult business and the employee is at least six (6) feet from the nearest other employee or customer.
  6. These regulations shall be in addition to the Township's regulations of adult cabarets, adult oriented business, massage establishments, and employee adopt pursuant to the authority of R.C. 503.40 et. seq.
13. Gasoline Service Stations and Convenience Stores Dispensing Motor Fuels (Commercial and Industrial Districts)
1. Convenience stores and service stations shall be used for the sale of gasoline, oil, and minor accessories only. No repair work will be done other than incidental service, excluding vehicle body repair, painting, tire, recapping, engine rebuilding, upholstering, auto glass work, and such other activities where the external effects of the activity could adversely extend beyond the property line.
  2. Curb cuts for ingress and egress shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no closer than 50 feet from a street intersection, measured from the intersection of the curb lines or from adjacent residential districts.
  3. The minimum lot area shall be in accordance with Section 365 with access drives so arranged that ample space is available for motor vehicles, which are required to wait.
  4. The minimum lot width shall be at least 150 feet and pump islands shall be setback at least 15 feet, measured from the street right-of-way line. All buildings and other structures shall have a front yard setback of 50 feet back from the street right-of-way line.
  5. Underground storage gasoline tanks shall be located no closer than 50 feet from the R-Residential District.
  6. Construction shall begin within one year from the date of approval by the Board of Zoning Appeals.
  7. All lightning used to illuminate the property shall be shielded from adjacent R-Residential Districts.
  8. Gasoline service stations and convenience stores dispensing motor fuels, shall provide an obscuring fence at least six feet in height on those side and rear lot lines abutting the R-Residential District.

Abandoned service station:



9. If any service station or convenience store shall no longer be used for dispensing gasoline or other petroleum products for a period of three consecutive months, such service station shall be presumed to be a nuisance affecting or endangering surrounding property values and detrimental to the public health, safety, convenience, comfort, and general welfare of the community. Such nuisance shall be abated.
10. Whenever the Zoning Inspector finds that any service station or convenience store dispensing motor fuels has not operated for three consecutive months, he/she shall give notice by certified mail to the owner of record of the premises at his last known address to abate such nuisance within six months either by placing the service station in operation in accordance with this Zoning Code, adapting and using the building for another permitted business use, or by securing the service station structure. Unless the service station is placed in operation within the six-month period, all pumps and signs shall be removed, and the fuel tanks shall be rendered safe by removal or by filling with sand, water, or other inert material in accordance with the regulations of the State Fire Marshall.
11. On the failure, neglect, or refusal of any owner to comply with the notice to abate such nuisance, the Zoning Inspector may take such action as necessary to protect the public health, safety, and welfare of the community.
12. Service stations not currently in operation but which do not come within the scope of the preceding provisions shall be maintained, and the owner shall cut all grass and weeds, and remove all rubbish from the premises. The parking of motor vehicles on the premises shall be prohibited, and the owner shall place a sign on the property of at least eight square feet in area notifying the public of this fact.

740      **PUBLIC HEARING**

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

741      **NOTICE OF PUBLIC HEARING**

Before conducting the public hearing required in Section 740, notice of such hearing shall be given in one or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the hearing, and shall provide a summary explanation of the conditional use proposed.

742      **NOTICE TO PARTIES OF INTEREST**

Prior to conducting the public hearing required in Section 740, written notice of such hearing shall be mailed by first class mail at least ten (10) days before the date of the hearing to all parties of interest, to include all property owners listed in the application. The notice shall contain the same information as required in Section 741 for notices published in newspapers. Failure to receive notice shall not invalidate the decision of the Board.

750

### **ACTION BY THE BOARD OF ZONING APPEALS**

Within thirty (30) days after the date of the public hearing required in Section 740, the Board shall take one of the following actions:

1. Approve issuance of the conditional use permit by making an affirmative finding in writing that the proposed conditional use is to be located in a district wherein such use may be conditionally permitted, that all conditions for approval of such use in such district have been met. Such written finding may also prescribe supplementary conditions and safeguards as specified in Section 751. Upon making an affirmative finding, the Board shall direct the Zoning Inspector to issue a conditional use permit for such use which shall list all conditions and safeguards specified by the Board for approval.
2. Make a written finding that the application is deficient in information or is in need of modification and is being returned to the applicant. Such finding shall specify the information and/or modifications, which are deemed necessary.
3. Make a written finding that the application is denied, such finding specifying the reasons(s) for disapproval.

If an application is disapproved by the Board, the applicant may seek relief through the Court of Common Pleas. Appeals from Board decisions shall be made in the manner specified in Chapter 2506 Revised Code.

751

### **SUPPLEMENTARY CONDITIONS AND SAFEGUARDS**

In granting approval for any conditional use, the Board may prescribe appropriate conditions and safeguards in conformance with this resolution. Any violation of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a punishable violation of this resolution.

752

### **EXPIRATION OF CONDITIONAL USE PERMIT**

A conditional use permit shall be deemed to authorize only one particular conditional use, and said permit shall automatically expire if such conditionally permitted use has not been instituted or utilized within on (1) year of the date on which the permit was issued, or if for any reason such use shall be voluntarily abandoned for more than two (2) years.

760

### **PROCEDURE AND REQUIREMENTS TO DETERMINE THAT A USE IS SUBSTANTIALLY SIMILAR**

Where a specific use is proposed that is not listed or provided for in this resolution, the Board of Zoning Appeals may make a determination, upon appeal, that the proposed use is substantially similar to a specific use that is listed or provided for in this resolution. If the Board finds that a use is substantially similar to a specific use listed in this resolution, the substantially similar use is deemed to be a substantially similar permitted use in those districts where the specific use is a permitted use, and a substantially similar conditional use in those districts where the specific use is a conditionally permitted use.

In formulating a determination that a proposed use is a substantially similar use, the Board shall follow the procedures relating to appeals and variances as specified in Article 9 of this resolution. Upon making a determination that a proposed use is substantially similar, the Board shall authorize the use as a variance from the provisions of the resolution.

761 **REMEDY BY APPLICATION FOR AMENDMENT**

If the Board determines that a proposed use is not substantially similar, such determination shall not be appealed to the Township Trustees, but remedy may be sought by the applicant through the submission of an application for amendment as prescribed in Article 10 or as otherwise provided by law.

762 **STANDARDS FOR CONSIDERATION OF SUBSTANTIALLY SIMILAR USES**

The following standards shall be considered by the Board when making a determination that a use is substantially similar to a permitted or a conditional use within a specific district:

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

763 **EFFECT OF DETERMINATION THAT A USE IS SUBSTANTIALLY  
SIMILAR**

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

764 **RECORD OF SUBSTANTIALLY SIMILAR USES**

The Zoning Inspector shall maintain as a public record a listing of all uses, which have been determined to be substantially similar. For each such use, the record shall include the use as listed in the resolution, the use unlisted in the resolution about which the determination of substantial similarity was made, and the dates of any actions thereupon by the Board of Zoning Appeals. This record shall also contain the same information for all uses, which have been determined not to be substantially similar. The Zoning Inspector shall consult this record in the process of issuing future permits.

770                    **REGULATION OF ACCESSORY USES**

The provisions of Sections 770 to 775 inclusive of this resolution shall apply to the location and maintenance of accessory uses as herein defined.

771                    **PURPOSE**

It is the purpose of Sections 770 to 775 inclusive of this resolution to regulate accessory uses in order to promote the public health, morals, safety, and welfare. It is the intent of these Sections to permit such uses to be established and maintained in a manner, which makes them compatible with principal uses and harmonious with uses upon adjacent properties.

772                    **DEFINITION**

"Accessory Use" means a use, object, or structure constructed or installed on, above, or below the surface of a parcel, which is located on the same lot as a principal use, object, or structure, and which is subordinate to or serves the principal use, object, or structure is subordinate in area to the principal use, object or structure, and is customarily incidental to the principal use, object, or structure. Among other things, "Accessory Use" includes anything of a subordinate nature attached to or disattached from a principal structure or use, such as fences, walls, sheds, garages, parking places, decks, poles, poster panels, and billboards. Except as otherwise required in this resolution, an accessory use shall be a permitted use.

773                    **GENERAL REQUIREMENTS**

Except as otherwise provided in this resolution, accessory buildings shall be permitted in association with a principal use or structure provided that:

1.     No lot may have more than four (4) accessory buildings.
2.     An accessory building shall not contain or be used as a dwelling unit.
3.     An accessory building shall not exceed eighteen (18) feet in height. See "Building, Height" definition in section 1301 Definitions.
4.     Accessory buildings shall meet all yard requirements of the principal use.

774                    **DWELLINGS AS ACCESSORY USES**

Dwellings may be accessory uses in residential districts if located inside the principal home or if detached as a garage apartment, only if used as a residence by relatives or household servants and no rent is charged. Mobile homes or manufactured homes shall not be permitted as accessory uses.

775

**ACCESSORY ELDERLY DWELLING UNIT**

Notwithstanding any other provision of this resolution, an owner-occupied single-family dwelling unit may be converted to allow the incorporation of one additional dwelling unit for the exclusive occupancy of an elderly person related to the owner of the single-family dwelling unit. Such accessory elderly dwelling unit shall be wholly contained within the existing principal building or shall be attached to it by a common wall, floor or ceiling. The application for the zoning permit for such conversions shall be accompanied by an affidavit attesting to the owner's present occupancy of the dwelling unit and to the age and relationship of the elderly person.

776

**RETAIL SALES AND SERVICES AS ACCESSORY USES**

Retail sales and services are permitted as accessory uses when clearly incidental to the principal use. With the exception of restaurants in conjunction with a motel, such uses shall be conducted wholly within the principal building, and without exterior advertising or display. These activities shall be conducted solely for the convenience of the employees, patients, patrons, students, or visitors and not for the general retail public. In hospitals and clinics, these accessory uses may include drugstores, florists, gift and bookshops, and cafeterias. In institutional settings, office buildings, hotels, country club houses, and airports, such activities may include gift and bookshops, restaurants, cafeterias and coffee shops, lounges, pro shops, and beauty and barber shops.

## ARTICLE 8

### NONCONFORMITIES

800

#### PURPOSE

Within the districts established by this resolution, or by amendments thereto, which may later be adopted, lots, uses of land, structures, and uses of structures and land in combination exist which were lawful before this resolution was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this resolution. The legitimate interest of those who lawfully established these nonconformities are herein recognized by providing for their continuance, subject to regulations limiting their completion, restoration, reconstruction, extension, and substitution. Furthermore, nothing contained in this resolution shall be construed to require any change in the layout, plans, construction, size or use of any lot, structure, or structure and land in combination, for which a zoning permit became effective prior to the effective date of this resolution, or any amendment thereto. Nevertheless, while it is the intent of this resolution that such nonconformities be allowed to continue until removed, they should not be encouraged to survive. Therefore, no nonconformity may be moved, extended, altered, expanded, or used as grounds for any other use(s) or structure(s) prohibited elsewhere in the district without the approval of the Board of Zoning Appeals, except as otherwise specifically provided for in this resolution.

801

#### USES UNDER CONDITIONAL USE PROVISIONS NOT NONCONFORMING USES

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

802

#### INCOMPATIBILITY OF NONCONFORMITIES

Nonconformities are declared by this resolution to be incompatible with permitted uses in the districts in which such uses are located. A nonconforming use of a structure, a nonconforming use of land, or a non-conforming use of a structure and land in combination shall not be extended or enlarged after passage of this resolution except as expressly provided in this resolution.

810

#### AVOIDANCE OF UNDUE HARDSHIP

To avoid undue hardship, nothing in this resolution shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this resolution and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently.



820

#### **CERTIFICATES FOR NONCONFORMING USES**

The Zoning Inspector may upon his own initiative, or shall upon the request of any owner, issue a certificate for any lot, structure, use of land, use of structure, or use of land and structure in combination, that certifies that the lot, structure or use is a valid nonconforming use. The certificate shall specify the reason why the use is a nonconforming use, including a description of the extend and kind of use made of the property in question, the portion of the structure or land used for the nonconforming use, and the extend that dimensional requirements are nonconforming. The purpose of this section is to protect the owners of lands or structures that are or become nonconforming. One copy of the certificate shall be returned to the owner and one copy shall be retained by the Zoning Inspector, who shall maintain as a public record a file of all such certificates.

830

#### **SUBSTITUTION OF NONCONFORMING USES**

So long as no structural alterations are made, except as required by enforcement of other codes or resolutions, any nonconforming use may, upon appeal to and approval by the Board of Zoning Appeals, be varied to another nonconforming use if the Board shall find that the use proposed for substitution is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board may require that additional conditions and safeguards be met. Whenever a nonconforming use has been changed to a less intensive use or becomes a conforming use, such use shall not thereafter be changed to a more intensive use.

840

#### **SINGLE NONCONFORMING LOTS OF RECORD**

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this resolution, notwithstanding limitations imposed by other provisions of this resolution. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variances of requirements listed in Articles 4 of this resolution other than lot area or lot width shall be obtained only through action of the Board of Zoning Appeals as provided in Sections 410-through 418.

841

#### **NONCONFORMING LOTS OF RECORD IN COMBINATION**

If two or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this resolution, and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this resolution, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this resolution, nor shall any division of any parcel be made, which creates a lot with a width or area below the requirements stated in this resolution.



**NONCONFORMING USES OF LAND**

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

1. No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this resolution except as provided in Section 860.
2. No such nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this resolution except as provided in Section 860.
3. If any nonconforming uses of land are voluntarily discontinued for two (2) years or more, any subsequent use of such land shall conform to the regulations specified by this resolution for the district in which such land is located;
4. No additional structure not conforming to the requirements of this resolution shall be erected in connection with such nonconforming use of land except as provided in Section 860.

**NONCONFORMING STRUCTURES:**

Where a lawful structure exists at the effective date of the adoption or amendment of this resolution that does not meet the minimum requirements or the permitted uses of the district in which the lot is located, such structure may be continued so long as it remains otherwise lawful. The Zoning Board of Appeals, after a public hearing, may permit minimum enlargement or alteration of a nonconforming structure or use of that structure, subject to the following:

1. The expansion of the nonconforming use will not be contrary to the public interest.
2. Where, owing to special conditions, a literal enforcement of the provisions of this resolution would result in unnecessary hardship in use variances or practical difficulties in area variances.
3. There must exist special circumstances or conditions fully described by the applicant and which are such that strict application of the provisions of the resolution would deprive the applicant of reasonable use of structure. Mere loss in value shall not justify an approval by the Zoning Board of Appeals; there must be deprivation of beneficial use of the structure. In all cases, the spirit of the resolution must be observed and substantial justice done.
4. The lot shall be adequate to accommodate the required off-street parking of the existing structure and the addition. The design, location, and surface of the parking area shall be provided so as to reduce congestion, promote safety, and to reduce the impact on the existing neighborhood.

870           **TERMINATION OF USE THROUGH DISCONTINUANCE**

When any nonconforming use is voluntarily discontinued for two (2) years, any future use shall not thereafter be permitted except in conformity with the regulations of the district in which it is located, and the nonconforming use may not thereafter be resumed. The intent to continue a nonconforming use shall not be evidence of its continuance.

871           **TERMINATION OF USE BY DAMAGE OR DESTRUCTION**

In the event that any nonconforming building or structure is destroyed by any means to the extent of more than fifty (50) percent of the cost of replacement of such structure, exclusive of foundation, it shall not be rebuilt, restored, or reoccupied for any use unless it conforms to all regulations of this resolution. When such a nonconforming structure is damaged or destroyed to the extent of fifty (50) percent or less of the replacement cost, no repairs or rebuilding shall be permitted except in conformity with all applicable regulations of this resolution and the following conditions:

1. A Zoning Certificate pertaining to such restoration shall be applied for and issued within one (1) year of such destruction, and rebuilding shall be diligently pursued to completion.
2. Such restoration shall not cause a new nonconformity, nor shall it increase the degree of nonconformance or noncompliance existing prior to such damage or destruction.

880           **REPAIRS, MAINTENANCE AND CONSTRUCTION**

1. Nothing in this resolution shall prevent the strengthening or restoring to a safe condition any building or structure or part thereof determined to be unsafe by an official charged with protecting the general welfare of the community.
2. Ordinary repairs and replacement of non-bearing walls, fixtures, wiring or plumbing may be done on any building or part thereof devoted to a nonconforming use provided the cubic content of the building as it existed at the effective date of adoption of this resolution shall not be increased.
3. Nothing in this resolution shall prohibit the completion or construction and use of a nonconforming building for which a zoning certificate has been issued prior to the effective date of adoption or amendment of this resolution, provided construction is commenced within thirty (30) days after the issuance of such certificate; and that the entire building or structure shall have been completed within one (1) year from the date said zoning certificate was issued.

890           **EXEMPT NONCONFORMING USE**

Where a conditional use certificate has been granted for any use as provided in this resolution, such use shall not be classified as a nonconforming use with in the district in which it is located.

## ARTICLE 9

### APPEALS AND VARIANCES

#### 900 GENERAL

Appeals and variances shall conform to the procedures and requirements of Sections 901 to 918 inclusive, of this resolution. The Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

#### 901 APPEALS

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

#### 902 STAY OF PROCEEDINGS

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

#### 910 VARIANCES

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

#### 911 APPLICATION AND STANDARDS FOR VARIANCES

Except as otherwise permitted in this resolution, no variance in the strict application of the provisions of this resolution shall be granted by the Board of Zoning Appeals unless the Board shall find that the written application for the requested variance contains all of the following requirements:

1. Name, address, and phone number of applicant(s);

2. Legal description of property;
3. Description or nature of variance requested;
4. A fee as established by resolution;
5. Narrative statements establishing and substantiating that the variance conforms to the following standards:
  - a. The granting of the variance shall be in accord with the general purpose and intent of the regulations imposed by this resolution on the district in which it is located, and shall not be injurious to the area or otherwise detrimental to the public welfare.
  - b. The granting of the variance will not permit the establishment of any use, which is not otherwise permitted in the district unless that use is consistent with the purpose of the district and not specifically permitted in another district.
  - c. There must exist special circumstances or conditions, fully described in the findings, applicable to the land or buildings for which the variance is sought, which are peculiar to such land or buildings and do not apply generally to land or buildings in the area, and which are such that the strict application of the provisions of this resolution would deprive the applicant of the reasonable use of such land or building. Mere loss in value shall not justify a variance; there must be deprivation of beneficial use of land.
  - d. There must be proof of hardship created by the strict application of this resolution. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created; nor can it be established on this basis by one who purchases with or without knowledge of the restrictions; it must result from the application of this resolution; it must be suffered directly by the property in question; and evidence of variances granted under similar circumstances are not controlling but may be considered.
  - e. The granting of the variance is necessary for the reasonable use of the land or building, and the variance as granted is the minimum variance that will accomplish this purpose.
  - f. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values of the adjacent area.
  - g. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.
6. A list containing the names and addresses of all owners of property contiguous or directly across the street from the property in question as shown by the County Auditor's current tax list.
7. A fee as established by the trustees.

The Board of Zoning Appeals may further prescribe any conditions and safeguards that it deems necessary to insure that the objectives of the regulations or provisions to which the variance applies will be met. Any violation of such conditions and safeguards, when they have been made a part of the terms under which the variance has been granted, shall be deemed a punishable violation under this resolution.

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

The Board of Zoning Appeals shall hold a public hearing within thirty (30) days after the receipt of an application for an appeal or variance from the Zoning Inspector or an applicant. All testimony shall be under oath with the right of cross-examination and a verbatim record (tape-recorded or stenographically) shall be kept.

914      **NOTICE OF PUBLIC HEARING IN NEWSPAPER**

Before conducting the public hearing required in Section 913, notice of such hearing shall be given in one or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

915      **NOTICE TO PARTIES IN INTEREST**

Before conducting the public hearing required in Section 913, written notice of such hearing shall be mailed by first class mail, at least ten (10) days before the day of the hearing to all parties in interest. The notice shall contain the same information as required of notices published in newspapers as specified in Section 914. Failure to receive notice shall not invalidate the decision of the Board.

916      **ACTION BY BOARD OF ZONING APPEALS**

Within thirty (30) days after the public hearing required in Section 913, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 912, or disapprove the request for appeal or variance. The Board of Zoning Appeals' decision shall be in writing and contain conclusions of fact supporting its decision. If the variance is disapproved by the Board, the applicant may seek relief through the Court of Common Pleas. Appeals from Board decisions shall be made in the manner specified in Chapter 2506 Revised Code.

917      **TERM OF VARIANCE**

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

918      **AUTHORIZED VARIANCES**

Variations from the regulations of this resolution shall not be granted unless the Board makes specific findings of fact, based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed in Section 911, and Section 912 if applicable, have been met by the applicant. The following guidelines shall be considered where applicable:

1. To permit any yard or setback less than the yard or setback required by the applicable regulations.
2. To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but generally the respective area and width of the lot or lots should not be less than eighty (80) percent of the required area and width.
3. To permit the same off-street parking facility to qualify as required facilities for two or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week.
4. To reduce the applicable off-street parking or loading facilities required, but generally by not more than thirty (30) percent of the required facilities.
5. To allow for the deferment of required parking facilities for a reasonable period of time, such period to be specified in the variance.
6. To increase the maximum distance that required parking spaces are permitted to be located from the use served, but generally not more than forty (40) percent.
7. To increase the maximum allowable size or area of signs on a lot, but generally by not more than twenty-five (25) percent.
8. To increase the maximum gross floor area of any use so limited by the applicable regulations, but generally not more than twenty-five (25) percent.



**ARTICLE 10**

**AMENDMENTS**

1000           **PROCEDURE FOR AMENDMENTS OR DISTRICT CHANGES**

This resolution may be amended by utilizing the procedures specified in Section 1001-1014, inclusive, of this resolution.

1001           **GENERAL**

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

1002           **INITIATION OF ZONING AMENDMENTS**

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

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

1003           **CONTENTS OF APPLICATION FOR ZONING MAP AMENDMENT**

Applications for amendments to the Official Zoning Map adopted as part of this resolution by Article 2 shall contain at least the following information:

1. The name, address, and phone number of applicant;
2. The proposed amending resolution
3. A statement of the reason(s) for the proposed amendment;
4. Present use;
5. Present zoning district;
6. Proposed use;
7. Proposed zoning district



8. A vicinity map at a scale of one inch equals twenty feet or other scale acceptable to the Zoning Inspector or a County Tax Map showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Inspector may reasonably require;
9. A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street for the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case, except that addresses need not be included where more than ten (10) parcels are to be rezoned;
10. A statement on the ways in which the proposed amendment relates to the comprehensive plan;
11. A fee as established by resolution of the Board of Township Trustees.
12. An original and five copies of the completed application shall be filed.

1004

#### **CONTENTS OF APPLICATION FOR ZONING TEXT AMENDMENT**

Application for amendments proposing to change, supplement, amend, or repeal any portion(s) of this resolution, other than the Official Zoning Map, shall contain at least the following information:

1. The name, address, and phone number of the applicant;
2. The proposed amending resolution approved;
3. A statement of the reason(s) for the proposed amendment;
4. A statement explaining the ways in which the proposed amendment relates to the comprehensive plan;
5. A fee as established by resolution of the Board of Township Trustees.
6. An original and five copies of the completed application shall be filed.

1005

#### **TRANSMITTAL TO ZONING COMMISSION**

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

1006

#### **SUBMISSION TO REGIONAL PLANNING COMMISSION**

Within five (5) days after the adoption of a motion by the Commission, transmittal of a resolution by the Board of Township Trustees, or the filing of an application by at least one (1) owner or lessee, the Zoning Commission shall transmit a copy of such motion, resolution, or application, together with the text and map pertaining to the case in question, to the Huron County Regional Planning Commission. The Regional Planning Commission shall recommend the approval or denial of the proposed amendment or the approval of some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission.

1007

### **SUBMISSION TO DIRECTOR OF TRANSPORTATION**

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

1008

### **PUBLIC HEARING BY ZONING COMMISSION**

The Zoning Commission shall schedule a public hearing after the adoption of their motion, the transmittal of a resolution from the Board of Township Trustees, or the filing of an application for zoning amendment. Said hearing shall be not less than twenty (20) nor more than forty (40) days from the date of adoption of such motion, transmittal of such resolution, or filing of such application.

### **1009 NOTICE OF PUBLIC HEARING IN NEWSPAPER**

Before holding the public hearing as required in Section 1008, notice of such hearing shall be given by the Zoning Commission by at least one (1) publication in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. This notice shall set forth:

In cases of the proposed rezone of ten or fewer parcels of land:

- a. the time, date, and place of the public hearing
- b. the name of the zoning commission which will conduct the hearing
- c. a statement that the motion, resolution, or application is an amendment to the zoning resolution
- d. a list of the addresses of all properties to be rezoned or redesignated by the proposed amendment and the names of the owners of those properties as they appear on the county auditor's tax list
- e. the present zoning classification of the property named in the zoning amendment and the proposed zoning classification

- f. 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 ten days prior to the public hearing
- g. the name of the person responsible for giving the notice by publication or by mail or both
- h. any other information requested by the zoning commission
- i. a statement that after the conclusion of said hearing, the matter will be submitted to the board of Township Trustees for its actions

In cases of the proposed alteration of the text or the rezone of more than ten parcels:

- j. the time, date, and place of the public hearing
- k. the name of the zoning commission which will conduct the hearing
- l. a statement that the motion, resolution, or application is an amendment to the zoning resolution
- m. the time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten days prior to the public hearing
- n. the name of the person responsible for giving the notice by publication or by mail or both
- o. a statement that after the conclusion of said hearing, the matter will be submitted to the board of Township Trustees for its actions
- p. any other information requested by the zoning commission

**1010 NOTICE TO PROPERTY OWNERS BY ZONING COMMISSION**

If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission by first class mail, at least ten (10) days before the date of the public hearing, to all owners of property within, contiguous to, and directly across the thoroughfare from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list. The failure to deliver the notice, as provided in this section, shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers as specified in Section 1009.

1011

### RECOMMENDATION BY ZONING COMMISSION

Within thirty (30) days after the public hearing required by Section 1008, the Zoning Commission shall recommend to the Board of Township Trustees that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be not granted. The recommendation together with the application or resolution, the text or map pertaining thereto and the recommendation of the Regional Planning Commission shall be submitted to the trustees.

1012

### PUBLIC HEARING BY BOARD OF TOWNSHIP TRUSTEES

Within thirty (30) days from the receipt of the recommendation of the Zoning Commission, the Board of Township Trustees shall hold a public hearing. Notice of such public hearing shall be published in a newspaper of general circulation shall be given by the Board of Township Trustees as follows:

In cases of the rezone of ten or fewer parcels of land:

- a. the time, date, and place of the public hearing
- b. the name of the board while that will be conducting the public hearing
- c. a list of the addresses of all properties to be rezoned and the names of the owners as they appear on the County Auditor's current tax list
- d. the present zoning classification of the property and the proposed zoning classification
- e. the time and place where the motion, application, or resolution to amend the zoning resolution will be available for examination for at least ten days prior to the public hearing
- f. the name of the person responsible for giving notice of the public hearing by mail, publication or both
- g. any other information requested by the board

In cases of the proposed alteration of the text or the rezone of more than ten parcels:

- h. the time, date and place of the public hearing
- i. the name of the board that will be conducting the public hearing
- j. a statement that the motion, resolution, or application is an amendment to the zoning resolution
- k. the time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten days prior to the public hearing
- l. the name of the person responsible for giving the notice of the public hearing by publication
- m. any other information requested by the board

1013

**NOTICE TO PROPERTY OWNERS BY TOWNSHIP TRUSTEES**

If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land as listed on the tax duplicate, written notice of the hearing shall be mailed by the Township Trustees 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 thoroughfare from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list. The failure to deliver the notice, as provided in this section, shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers as specified in Section 1012.

1014 **ACTION BY BOARD OF TOWNSHIP TRUSTEES**

Within twenty (20) days after the public hearing required by Section 1012, the Board of Township Trustees shall either adopt or deny the recommendation of the Zoning 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 is required.

1015 **EFFECTIVE DATE AND REFERENDUM**

Such amendment adopted by the Board of Township Trustees shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment there is presented to the Board of Township Trustees a petition in the form provided in Revised Code 519.12, 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 eight (8) per cent of the total vote cast for all candidates for Governor in such area at the last preceding general election at which a Governor was elected, requesting the Board of Township Trustees to submit the amendment to the electors of such area, for approval or rejection, at the next primary or general election. No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the votes cast on the issue is in favor of the amendment. Upon certification by the Board of Elections, that the amendment has been approved by the voters, it shall take immediate effect.

1016 **FILING AMENDMENTS**

Within five working days after an amendments effective date, the trustees shall file the text and map in the office of the County Recorder and with the Huron County Regional Planning Commission.

## ARTICLE 11

### ADMINISTRATION

#### 1100 ZONING INSPECTOR

There is hereby established the position of Zoning Inspector. The Zoning Inspector shall be appointed by the Township Trustees, shall serve at their pleasure and shall be paid such compensation as the trustees may from time to time determine.

#### 1101 ZONING INSPECTOR'S DUTIES

The duties of the Zoning Inspector are as follows:

1. Enforce the provisions of this resolution and interpret the meaning and application of its provisions.
2. Respond to questions concerning applications for amendments to the Zoning Resolution text and the Official Zoning District Map.
3. Issue zoning permits as provided by this resolution and keep a record of same with a notation of any special conditions involved.
4. Act on all applications upon which he is authorized to act by the provisions of this resolution within the specified time or notify the applicant in writing of his refusal or disapproval of such application and the reasons therefor. Failure to notify the applicant in case of such refusal or disapproval within the specified time shall entitle the applicant to submit his request to the Board of Zoning Appeals.
5. Conduct inspections of buildings and uses of land to determine compliance with this resolution and in the case of any violation, to notify in writing the person(s) responsible, specifying the nature of the violation and ordering corrective action.
6. Maintain in current status the Official Zoning District Map, which shall be kept on permanent display in the Township offices.
7. Maintain permanent and current records required by this resolution including but not limited to zoning permits, zoning certificates, inspection documents, and records of all variances, amendments conditional and nonconforming uses.
8. Make such records available for the use of the Township Trustees, the Zoning Commission, the Board of Zoning Appeals, and the public.
9. Review and approve site plans pursuant to this resolution.



10. Determine the existence of any violations of this resolution and cause such notifications to be issued, or initiate such other administrative or legal action as needed to address such violations.
11. Prepare and submit an annual report to the Township Trustees and Zoning Commission on the administration of this resolution setting forth such information as may be of interest and value in advancing and furthering the purpose of this resolution. Such report shall include recommendations concerning the schedule of fees.

1102                    **ZONING INSPECTOR BOND**

Prior to beginning the performance of his duties, the Zoning Inspector shall file with the Township Clerk a bond in the principle sum of not less than One Thousand (\$1,000.00) nor more than Five Thousand (\$5,000.00) dollars signed by a bonding company authorized to do business in this state. Such bond shall be conditional upon the Zoning Inspector's faithful performance of his duties and shall be filed with the Township Clerk.

1103                    **SECRETARY TO ZONING COMMISSION AND BOARD OF ZONING APPEALS**

The Township Trustees may appoint and fix the compensation of the secretary to the Zoning Commission and the secretary to the Board of Zoning Appeals. Such secretary shall serve at the pleasure of the trustees and be paid such compensation as the trustees shall from time to time determine. One person may be appointed to both of these positions or the Township Clerk may be so appointed. If the Township Clerk is so appointed, such compensation shall be in addition to other compensation allowed by law. The Board of Township Trustees may appoint two alternate members of the Township Zoning Commission, for terms to be determined by the Board of Township Trustees. An alternate member shall take the place of an absent regular member at any meeting of the Township zoning commission, according to procedures prescribed by resolution by the Board of Township Trustees. An alternate member 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.

1104                    **ZONING COMMISSION**

There is hereby established a Township Zoning Commission composed of five residents of the unincorporated territory of the Township. Members of the Zoning Commission shall be appointed by the Township Trustees for five-year terms of office arranged so that one member's term shall expire at the end of each year. Each member shall serve until his/her successor is appointed and qualified. Vacancies shall be filled by the Township Trustees for the unexpired term and members of the Zoning Commission may be removed from office as provided by law.

The board of township trustees may appoint two alternate members to the township zoning commission, for terms to be determined by the board of township trustees. An alternate member shall take the place of an absent regular member at any meeting of the township zoning commission, according to procedures prescribed by resolution by the board of township trustees. An alternate member 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.

At the first meeting in each even numbered year the Commission shall elect a chairman, vice-chairman, and secretary to serve until their successors shall be elected.

1105            **ZONING COMMISSION AUTHORITY**

The Zoning Commission shall have the following authority:

1. Recommend to the trustees the adoption of the text and map comprising the zoning resolution and any amendments thereto
2. Within limits of the money appropriated for this purpose employ or contract with planning consultants
3. Organize and keep records and adopt rules for the conduct of its business
4. Be allowed its expenses and compensation or both as the Township Trustees shall approve and provide
5. Review applications for rezones of land or changes in the text of the zoning resolution and make recommendations thereon to the Township Trustees
6. Continually review the operation of the Township Zoning Resolution, obtain recommendations for changes from the Regional Planning Commission and recommend such changes it determines are appropriate to enhance the effectiveness of the resolution.

1106            **BOARD OF ZONING APPEALS**

There is hereby established a Township Board of Zoning Appeals comprised of five residents of the unincorporated territory of the Township. Members of the Board of Zoning Appeals shall be appointed by the Township Trustees for five year terms of office arranged so that one member's term expires at the end of each year. Each member shall serve until his/her successor is appointed and qualified. Vacancies shall be filled by the Township Trustees for the unexpired term and members may be removed from office as provided by law. The Board of Township Trustees may appoint two alternate members to the Township Board of Zoning Appeals, for terms to be determined by the Board of Township Trustees. An alternate member shall take the place of an absent regular member at any meeting of the Board of Zoning Appeals, according to procedures prescribed by resolution by the Board of Township Trustees. An alternate member 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.

At the first meeting in each even numbered year, the Board shall elect a chairman, vice-chairman and secretary to serve until their successors shall be elected.

1107

**BOARD OF ZONING APPEALS – AUTHORITY**

The Board of Zoning Appeals shall have the following authority:

1. Hear and decide appeals from any decision of the Zoning Inspector in accordance with Section 901 and 902.
2. Grant variances in accordance with Sections 910-918
3. Grant or deny conditional zoning permits in accordance with Article 7
4. Revoke an authorized variance or conditional zoning certificate for the extraction of minerals if any condition of the variance or certification is violated
5. Adopt rules for its operation, keep minutes of its proceedings, administer oaths, issue subpoenas
6. Be allowed its expenses and compensation or both as the Township Trustees shall approve and provide.

1108

**SCHEDULE OF FEES**

The Township Trustees may adopt and amend a schedule of fees for the issuance of zoning permits, conditional zoning permits, sign permits, nonconforming-use certificates, variances, appeals, and other aspects of the zoning procedure as fairly reflect the cost of administrating the zoning resolution.

## ARTICLE 12

### ENFORCEMENT

#### 1200 PROHIBITIONS

No land, building, or structure shall be located, constructed, changed or used in violation of any provision of this resolution. Each day's violation shall be a separate offense.

#### 1201 PENALTY

Whoever violates the prohibition of Section 1200 shall be fined not more than Five Hundred Dollars (\$500.00) for each offense.

#### 1202 ADDITIONAL REMEDIES

In addition to the penalty listed in Section 1201, whenever any land is used in violation of any provision of this resolution or when a building or structure is located, constructed, changed or used in violation of this resolution or any such use, location, construction, or change is proposed in violation of the provisions of this resolution, the Zoning Inspector, the Township Trustees, the Prosecuting Attorney or any adjacent or neighboring property owner who will be especially damaged, in addition to other remedies provided by law may commence an appropriate action to enjoin, abate, prohibit or remove such use. The Township Trustees may employ special counsel to represent it in such proceedings or to prosecute any actions brought under this section.

## ARTICLE 13

### INTERPRETATION AND DEFINITIONS

#### SECTION 1300 INTERPRETATION OF TERMS OR WORDS

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

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

#### SECTION 1301 DEFINITIONS

As used in this resolution the following definitions shall apply:

##### ACCESSORY USE (OR STRUCTURE)

Accessory Use means a use, object, or structure constructed or installed on, above, or below the surface of a parcel, which is located on the same lot as a principal use, object, or structure, and which is subordinate to or serves the principal use, object, or structure, is subordinate in area to the principal use, object, or structure, and is customarily incidental to the principal use, object, or structure. Among other things, "Accessory Use" includes anything of a subordinate nature attached to or disattached from a principal structure or use, such as fences, walls, parking places, decks, poles, poster panels, and billboards. Accessory Use does not include attached garages or sheds; Accessory Use does include detached garages and sheds. Except as otherwise required in this resolution, an accessory use shall be a permitted use.

##### AGRICULTURE

"Agriculture" includes 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; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

## **AIRPORT**

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

## **ALLEY**

See Thoroughfare

## **ALTERATIONS, STRUCTURAL**

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

## **AUTOMOTIVE REPAIR**

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

## **AUTOMOTIVE, MOBILE HOME, TRAVEL TRAILER, AND FARM IMPLEMENT SALES**

The sale or rental of new and used motor vehicles, mobile homes, travel trailers, or farm implements, but not including repair work except incidental warranty repair of same, to be displayed and sold on the premises.

## **AUTOMOTIVE WRECKING**

The dismantling, wrecking, storage or sale of used motor vehicles, mobile homes, trailers, farm implements or parts thereof.

## **BASEMENT**

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

## **BUILDING**

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

## **BUILDING, ACCESSORY**

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



## **BUILDING, HEIGHT**

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

## **BUILDING LINE**

(See Setback Line)

## **BUILDING PRINCIPAL**

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

## **CEMETERY**

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

## **CHANNEL**

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

## **CHILD DAY-CARE**

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. The following are child day-care facilities:

## **CHILD DAY-CARE CENTER**

Any place in which child day-care is provided, with or without compensation, for 13 or more children at any one time, or any place that is not the permanent residence of the licensee or administrator in which child day-care is provided, with or without compensation, for 7 to 12 children at any one time.

In counting children for the purposes of this definition, any children under 6 years of age who are related to a licensee, administrator, or employee and who are on the premises shall be counted.

## **TYPE A FAMILY DAY-CARE HOME**

A permanent residence of the administrator in which child day-care is provided for 4 to 12 children at any one time, if 4 or more children are under 2 years of age. In counting children for the purposes of this definition, any children under 6 years of age who are related to a licensee, administrator, or employee and who are on the premises of the Type A home shall be counted. The term "Type A family day-care home" does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.

### **TYPE B FAMILY DAY-CARE HOME**

A permanent residence of the provider in which child day-care or child day-care services are provided for 1 to 6 children at one time and in which no more than 3 children may be under 2 years of age at any one time. In counting children for the purposes of this definition, any children under 6 years of age who are related to the provider and are on the premises of the Type B home shall be counted. The term "Type B family day-care home" does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.

### **CLINIC**

A place used for the care, diagnosis and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but who are provided with board or room or kept overnight on the premises.

### **COMPREHENSIVE DEVELOPMENT PLAN**

A plan, or any portion thereof, adopted by the zoning commission and the legislative authority of Sherman Township showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major thoroughfares, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the community.

### **CONDITIONAL USE**

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

### **CONDITIONAL USE PERMIT**

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

### **CONDOMINIUM**

A building or group of buildings in which units are individually owned by the structure, common areas and facilities are owned on a proportional, undivided basis by all of the owners.

### **CORNER LOT**

(See Lot Types)

### **CUL-DE-SAC**

(See Thoroughfare)

**DEAD-END STREET**

(See Thoroughfare)

**DENSITY**

A unit of measurement expressing the number of dwelling units per acre of land.

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

**DISTRICT**

A part, zone, or geographic area within the Township within which certain zoning or development regulations apply.

**DWELLING**

Is a building (except a recreational vehicle or mobile home as defined Ohio Revised Code 4501.01) which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants and built on a site complying with the local building codes or built completely or partially off site complying with the basic building codes of the State of Ohio for industrialized units or a permanently sited manufactured home as defined in this resolution.

**DWELLING, SINGLE FAMILY**

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

**DWELLING, TWO-FAMILY**

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

**DWELLING, MULTI-FAMILY**

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

### **DWELLING, INDUSTRIALIZED UNIT**

A building unit or assembly of closed construction that is fabricated in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater structure, and that requires transportation to the site of intended use. "industrialized unit" includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. "Industrialized unit" does not include a manufactured or mobile home as defined in this resolution.

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

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

### **EASEMENTS**

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

### **ESSENTIAL SERVICES**

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

A person or two or more persons living together as a single housekeeping unit in a dwelling unit, as distinguished from a group occupying a rooming house, motel or hotel, dormitory, fraternity or sorority house.

### **FLOOD PLAIN**

That land, including the flood fringe and the floodway, subject to inundation by the regional flood as shown on maps developed by the Federal Emergency Management Agency.

### **FLOOD, REGIONAL**

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

**FLOODWAY**

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

**FLOODWAY FRINGE**

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

**FLOOR AREA OF A RESIDENTIAL BUILDING**

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

**FLOOR AREA OF A NON-RESIDENTIAL BUILDING (TO BE USED IN CALCULATING PARKING REQUIREMENTS)**

The floor area of the specified use as measured on the inside excluding unusable space.

**FLOOR AREA, USABLE**

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

**GARAGES, PRIVATE**

A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, travel trailers and/or boats of the occupants of the premises and wherein:

1. Not more than one space is rented for parking to person not resident on the premises;
2. No more than one commercial vehicle per dwelling unit is parked or stored;

**GARAGE, PUBLIC**

A principal or accessory building other than a private garage, used for parking or temporary storage of motor vehicles, and in which no service shall be provided for remuneration.

## **GARAGE, SERVICE STATION**

Buildings and premises where gasoline, oil, grease, batteries, tires, and motor vehicle accessories may be supplied and dispensed at retail, and where in addition, the following services may be rendered and sales made:

1. Sales and service of spark plugs, batteries, and distributors parts;
2. Tire servicing and repair, but not recapping or regrooving;
3. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease containers, wheel bearings, mirrors, and the like;
4. Radiator cleaning and flushing;
5. Radiator welding and repair;
6. Greasing and lubrication;
7. Providing and repairing fuel pumps, oil pumps, and lines;
8. Minor servicing and repair of carburetors;
9. Adjusting and repairing brakes;
10. Minor motor adjustment not involving removal of the head or crankcase or racing the motor;
11. Sales of cold drinks, packaged food, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principle operations;
12. Warranty maintenance and safety inspections.

Uses permissible at a filling station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operation condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in filling stations. A filling station is not a repair garage nor a body shop.

## **GREEN BELT**

An open landscaped area (free of buildings, structures, parking areas, driveways, and impervious surfaces) containing permanent trees, shrubs, and other plant material designed and maintained to provide a screen to abutting properties.

## **GROUP RESIDENTIAL FACILITY**

A group residential facility is a community residential facility, licensed and/or approved and regulated by the State of Ohio, which provides rehabilitative or habilitative services.

## **HOME OCCUPATION**



Home Occupation means an accessory use which is an activity, profession, occupation, service, craft, or revenue-enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling, and is conducted entirely within the dwelling unit, or elsewhere on the premises by conditional use permit, without any significant adverse effect upon the surrounding neighborhood. Activities such as teaching, tutoring, babysitting, tax consulting and the like shall involve not more than three receivers of such services at any one time with the exception of Type B family day-care homes. Home occupations may not occupy more than one-half of the first floor area of the principal building.

#### **HOTEL OR MOTEL AND APARTMENT HOTEL**

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

#### **INSTITUTION**

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

#### **JUNK**

Discarded objects and debris including inoperable vehicles, machinery or parts thereof, rags, household, commercial or industrial waste products, used packaging materials and other discarded items of little value.

#### **JUNK BUILDINGS, JUNK SHOPS, JUNK YARDS**

Any land, property, structure, building, or combination of the same, on which junk is stored or processed.

#### **LOADING SPACE, OFF-STREET**

Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

## **LOT**

For the purposes of this resolution, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

1. A single lot of record;
2. A portion of a lot of record;
3. A combination of complete lots of record, of complete lots of record and portions of lots of record.

## **LOT COVERAGE**

The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

## **LOT FRONTAGE**

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

## **LOT, MINIMUM AREA OF**

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

## **LOT MEASUREMENTS**

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

## **LOT OF RECORD**

A lot which is carried on the County Auditor's records as a single parcel.

## **LOT TYPES**

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

1. **Corner Lot:** A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty five (135) degrees.
2. **Interior Lot:** A lot with only one frontage on a street.
3. **Through Lot:** A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
4. **Reversed Frontage Lot:** A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

## **MAJOR THOROUGHFARE PLAN**

The portion of comprehensive plan adopted by the Regional Planning Commission indicating the general location recommended for arterial, collector, and local thoroughfares within the appropriate jurisdiction.

## **MANUFACTURED HOME**

A building unit or assembly of closed construction that is fabricated in an off-site facility, and construction in conformance with the 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" and that has a permanent label or tag affixed to it certifying compliance with all applicable federal construction and safety standards as specified in 42 USC 5425.

## **MANUFACTURING, HEAVY**

Manufacturing, processing, assembling, storing, testing, and similar industrial uses including recycling 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.

## **MOBILE HOME**

A building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five (35) body feet in length or, when erected on site, is three hundred twenty or more square feet (320 sq.ft.) is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured home as defined in division (C)(4) of Section 3781.06 of the Ohio Revised Code or as an industrialized unit as defined in division (C)(3) of Section 3781.06 of the Revised Code.

## **MOBILE HOME PARK/MANUFACTURED HOME PARK**

Any site, or tract of land under single ownership, upon which three or more mobile homes or manufactured homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.

## **NONCONFORMITIES**

Lots, uses of land, structures, and uses of structures and land in combination lawfully existing at the time of enactment of this resolution or its amendments which do not conform to the regulations of the district or zone in which they are situated, and are therefore incompatible.

## **NURSERY, NURSING HOME**

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

## **NURSERY, PLANT MATERIALS**

Land, building, structure, or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping.

## **OPEN SPACES**

An area substantially open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools, and tennis courts, any other recreational facilities. Streets, parking areas, 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.

## **PARTIES IN INTEREST**

The applicant for a rezone, variance, or conditional zoning permit and the owners of all real property located contiguous or directly across the street from the subject property as shown on the county auditor's current tax list.

## **PERMANENT FOUNDATION**

Masonry permanently connected with mortar or a poured concrete structure of sufficient width and depth below the frost line or a minimum of 36 inches deep to which the manufactured home may be affixed.

## **PERMANENTLY SITE MANUFACTURED HOME**

A manufactured home which is affixed to a permanent foundation and connected to appropriate facilities. The manufactured home, excluding any addition, has a width of at least twenty-two (22) feet at one point, a length of at least twenty-two (22) feet at one point. The total living area of the manufactured home, excluding garages, porches, or attachments must be at least equal to or greater than any minimum dwelling size applicable within the applicable zoning district. The manufactured home has a minimum 3:12 residential roof pitch, conventional residential siding, and a six-(6) inch minimum eave overhang, including appropriate guttering. The manufactured home was manufactured after January 1, 1995.

## **PUBLIC SERVICE FACILITY**

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

## **PUBLIC USES**

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

## **PUBLIC WAY**

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

## **RECREATION CAMPGROUND**

An area of land on which two or more recreational vehicles as defined in R.C. 4501.01 or tents or other similar temporary recreational structures are regularly accommodated with or without charge, including any building, structure or fixture of equipment that is used or intended to be used in

connection with providing such accommodations.

### **RECREATION FACILITIES**

Public or private facilities that may be classified as either "extensive" or "intensive" depending upon the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include, but need not be limited to hunting, fishing, and riding clubs and parks. Intensive facilities generally require less land (used more intensively) and include, but need not be limited to, miniature golf courses, amusement parks, stadiums, and bowling alleys.

### **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.

### **ROADSIDE STAND**

A temporary structure designed or used for the display or sale of agricultural and related products."

### **RIGHT-OF-WAY**

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

### **SEAT**

For purposes of determining the number of off-street parking spaces for certain uses, the maximum occupancy as established by the Ohio basic building code shall be applied.

### **SETBACK LINE**

A line established by the zoning resolution generally parallel with and measured from the centerline of the road, defining the limits of a yard in which no building, or structure may be located above ground, except as may be provided in said code. (See Yard)

### **SEXUALLY ORIENTED BUSINESSES**

Sexually Oriented Business shall mean an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

Adult Arcade shall mean any place to which the public is permitted or invited 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 or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

Adult Bookstore or Adult Video Store shall mean a commercial establishment which utilizes fifteen percent (15%) or more of its retail selling area for the purpose of sale or rental for any form of consideration of any one or more of the following:

books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations which depict or describe specified sexual activities or specified anatomical areas, or

instruments, devices, or paraphernalia which are designed for use in connections with specified sexual activities.

Adult Cabaret shall mean a nightclub, bar, restaurant, or similar commercial establishment in which persons appear in a state of nudity in the performance of their duties.

Adult Motion Picture Theater shall mean a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown fifteen (15) percent or more of the total time open to the public which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

Adult Motel shall mean a hotel, motel or similar commercial establishment which:

offers accommodations to the public for any form of consideration; provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproduction which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic productions; or

offers a sleeping room for rent for a period of time that is less than 10 hours; or

allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours.

Adult Theater shall mean a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified sexual activities or specified anatomical areas.

Escort Agency shall mean a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes, for a fee, tip, or other consideration.

Nude Model Studio shall mean any place where a person who appears in a state of nudity or displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured,

photographed, or similarly depicted by other persons who pay money or any form of consideration.

Sexual Encounter Center shall mean a business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

physical contact in the form of wrestling or tumbling between persons of the opposite sex; or activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

Specified Anatomical Areas shall mean human genitals in a state of sexual arousal.

Specified Sexual Activities shall mean and include any of the following:

the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;

sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;

“Nudity” means the showing of either of the following:

The human male or female genitals, pubic area, or buttocks with less than a fully opaque covering;

The female breast with less than a fully opaque covering on any part of the nipple.

## **SIDEWALK**

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

## **SIGN**

Any visual communication display, object, device, graphic, structure, or part, situated indoors or outdoors, or attached to, painted on, or displayed from a building or structure, in order to direct or attract attention to, or to announce or promote, an object, person, service, product, event, location, organization or the like, by means of letters, words, designs, colors, symbols, fixtures, images or illuminations.

1. Sign, On-Premises: Any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.
2. Sign, Off-Premises: Any sign unrelated to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is offered.
3. Sign, Illuminated: Any sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light.
4. Sign, Lighting Device: Any light; string of lights, or group of lights located or arranged so as to

cast illumination on a sign.

5. Sign, Projecting: Any sign which projects from the exterior of a building.

### **STORY**

That part of a building between the surface of a floor and the ceiling immediately above. (See Basement)

### **STRUCTURE**

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

### **SUBDIVISION**

The division of a lot, tract, or parcel into two or more lots, tracts, or parcels or other divisions of land for sale, development, or lease.

### **SUPPLY YARDS**

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

### **SWIMMING POOL**

An artificial body of water whether in or above the ground supplied with water from a controlled source and which will permit filling to a depth of two and one-half feet or more.

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

Community: Operated with a charge for admission; a primary use.

### **TELECOMMUNICATIONS TOWER**

Any freestanding structure, or any structure to be attached to a building or other structure, that meets all of the following criteria:

- a. The freestanding or attached structure is proposed to be constructed on or after October 31, 1996.
- b. The freestanding or attached structure is proposed to be owned or principally used by a public utility engaged in the provision of telecommunications services.
- c. The freestanding or attached structure is proposed to be located in an unincorporated area of a township, in an area zoned for residential use.
- d. (i) The free-standing structure is proposed to top at a height that is greater than either the maximum allowable height of residential structures within the zoned area as set forth in

- the applicable zoning regulations, or the maximum allowable height of such a free-standing structure as set forth in any applicable zoning regulations in effect immediately prior to October 31, 1996, or as those regulations subsequently are amended.
- (ii) The attached structure is proposed to top at a height that is greater than either the height of the building or other structure to which it is to be attached, or the maximum allowable height of such an attached structure as set forth in any applicable zoning regulations in effect immediately prior to October 31, 1996, or as those regulations subsequently are amended.
  - e. The freestanding or attached structure is proposed to have attached to it radio frequency transmission or reception equipment.

### **THOROUGHFARE, STREET, OR ROAD**

The full width between property line bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

**Alley:** A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.

**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.

**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.

**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.

**Dead-end Street:** A street temporarily having one (1) outlet for vehicular traffic and intended to be extended or continued in the future.

**Local Street:** A street primarily for providing access to residential or other abutting property.

**Loop Street:** A type of local street each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the one hundred and eighty (180) degree system of turns are not more than one thousand (1000) feet from said arterial or collector street, nor normally more than six hundred (600) feet from each other.

**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)

### **TRANSPORTATION, DIRECTOR OF**

The Director of the Ohio Department of Transportation.

## **USE**

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

## **VARIANCE**

A variance is a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship. Variances are of two types, area variances, which require the applicant to establish practical difficulties, and use variances, which require the applicant to establish unnecessary hardship.

## **VETERINARY ANIMAL HOSPITAL OR CLINIC**

A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.

## **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.

Yard, Front: A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.

Yard, Rear: A yard extending between side lot lines across the rear of a lot and from the front lot line to the front of the principal building.

Yard, Side: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establish the front and rear yards.

## **ZONING INSPECTOR**

The Zoning Inspector is the person designated by the Board of Township Trustees, to administer and enforce zoning regulations and related resolutions.

## **ZONING PERMIT**

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

SHERMAN TOWNSHIP ZONING  
DESCRIPTION OF ZONING DISTRICTS

Commercial District:

Bounded on the west by the centerline of State Route 269; and bounded on the east by a line 800 feet east of and parallel to State Route 269; and bounded on the north by the property line separating property now in the hands of Ries Family Trust, F.C. & M.E. Ries Trustees (on the north side of the property line) from property in the hands of G.A. Shingledecker, Trustee (on the south side of the property line); and bounded on the south by a line 2000 feet south of and parallel to the above referenced property line.

Industrial District:

See Amendment adopted by the Trustees Resolution 2004-9, adopted March 8, 2004, effective April 7, 2004.

Residential District:

None.

Agricultural District:

All property in the Township not described within another District.





## ARTICLE 14

### SMALL WIND FARMS

#### 1400 PURPOSE

The purpose of this amendment is to establish general guidelines for small wind projects less than 5 MW in accordance with law the location of wind turbine generators (sometimes referred to herein as “WTG”) and anemometer towers in Sherman Township, Huron County, Ohio (The “Township”). This amendment is consistent with the stated primary purpose of the Sherman Township Zoning Resolution” “Protecting the public health, safety, comfort and general welfare” of Sherman Township residents. The Township recognizes in some specific instances, under carefully controlled circumstances, it may be in the public interest to permit the placement of wind turbine generators in certain areas of the Township. The Township also recognizes the need to protect the scenic beauty of the Township from unnecessary and unreasonable visual interference, noise radiation, and that wind turbine generators may have negative health, safety, welfare, and aesthetic impacts upon adjoining and neighboring uses. As such, this amendment seeks to:

1. Protect residential and agricultural areas from potential adverse impact of wind turbine generators;
2. Permit wind turbine generators in selected areas by on-site residential, commercial, or industrial users, subject to the terms, conditions, and provisions hereof;
3. Ensure the public health, welfare, and safety of the Township’s residents in connection with wind turbine generators; and
4. Avoid potential damage to real and personal property from the wind turbine generators or anemometer towers or the failure of such structures and related operations.

#### 1410 DEFINITIONS

**Definitions: For purposes of the regulation of residential, commercial, and industrial use of wind turbine generators:**

**Anemometer:** An instrument that measures the force and direction of the wind.

**Clear Fall Zone:** An area surrounding the wind turbine unit into which the turbine and or turbine components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition causing turbine failure that shall remain unobstructed and confined within the property lines of the primary parcel where the turbine is located, the purpose being that if the turbine should fall or otherwise become damaged, the falling structure will be confined to the primary parcel and will not fall onto dwellings, accessory buildings, and will not intrude onto a neighboring property.

**Cowling:** A Streamlined removable metal that covers the turbine’s nacelle.



**Nacelle:** A separate streamlined metal enclosure that covers the essential mechanical components of the turbine.

**Professional Engineer:** A qualified individual who is licensed as a Professional Engineer in the State of Ohio.

**Wind Power Turbine Owner:** The person or persons who owns the Wind Turbine structure.

**Wind Power Turbine Tower:** The support structure to which the turbine and rotor are attached.

**Wind Power Turbine Tower Height:** The distance from the rotor blade at its highest point to the ground level.

## 1420 WIND TURBINES

Sherman Township, recognizes the importance of clean, sustainable and renewable energy sources. To that end, Sherman Township permits the use of wind turbines under the following regulations to ensure the safety and welfare of all township residents is met.

- I. Wind Turbines shall be a *permitted use* in all districts under the following conditions:
  - A. The maximum height of any turbine shall be 125 ft. For purposes of this Resolution, maximum height shall be considered the total height of the turbine system including the tower, and the maximum vertical height of the turbine's blades.
  - B. The following shall apply in regards to setbacks:

Any turbine erected on a parcel of land shall be setback 1.2 times the height of the tower from ground level to the top of the highest blade, or established "clear fall zone," from all road right-of-way lines, neighboring property lines. A turbine will need to be erected and placed in such a manner that if it were to fall, whatever direction the fall occurs would be contained solely on the property where the turbine is located.
  - C. Aesthetics: The following provision shall be applied to the aesthetics issue of wind turbines:

The turbine, including the prop blades, turbine, cowling, and tower shall be painted a color either white, gray or sky blue. Logos or other identification markers other than those of the manufacturer and model type shall not be permitted anywhere on the turbine.



D. Maintenance:

1. Wind turbines must be maintained in good working order. Turbines that become inoperable for more than 12 months must be removed by the owner within thirty (30) days of issuance of zoning violation.
2. All costs associated with the demolition of the tower and associated equipment shall be borne by the owner.
3. Removal includes removal of all apparatuses, supports, and or other hardware associated with the existing turbine.

II. Permits for Wind Turbines

- A. A permit shall be required before construction can commence on an individual wind turbine system.
- B. Applicant shall provide the Township Zoning Inspector with the following items and or information when applying for a permit:
  1. Location of all public and private airports in relation to the location of the turbine, as well as any applicable FAA restrictions that may be applicable to the turbine.
  2. An engineering report that shows:
    - a. The total size and height of the unit.
    - b. The total size and depth on the unit's converted mounting pad,
    - c. An average decibel rating for that particular model
    - d. A list and or depiction of all safety measures that will be on the unit including anti-climb devices, grounding devices, and lightning protection,
    - e. Data specifying the kilowatt size and generating capacity of the particular unit.
  3. A site drawing showing the location of the unit in relation to existing structures on the property, roads and other public right of ways, and neighboring properties.
  4. Evidence of a "clear fall zone" with manufacturer's recommendations must be attached to the engineering report.





5. Color of the unit as well as the location and size of the manufacturers identifying logos shall be included in the plan.
6. A maintenance schedule as well as a dismantling plan that outlines how the unit will be dismantled shall be required as part of the permit.
7. Address issues of ice throw relative to the size, type and model of the turbine.
8. Documentation from the utility company should also be included that outlines what will happen to any excess power that may be generated.

### III. Permits for Meteorological Test Towers

- A. A permit shall be required before construction can commence on an individual test tower.
- B. The following shall apply in regards to setbacks:  
Any test tower erected on a parcel of land shall be setback 1.2 times the height of the tower from ground level to the top of the structure, or established "clear fall zone," from all road right-of-way lines, neighboring property lines. A test tower will need to be erected and placed in such a manner that if it were to fall, whatever direction the fall occurs would be contained solely on the property where the turbine is located.
- C. Applicant shall provide the Township Zoning Inspector with the following items and or information when applying for a permit:
- D. A site drawing showing the location of the unit in relation to existing structures on the property, roads and other public right of ways, and neighboring properties.
- E. Evidence of a "clear fall zone" with manufacturer's recommendations must be attached.
- F. Color of the unit as well as the location and size of the manufacturers identifying logos shall be included in the plan.
- G. A maintenance schedule as well as a dismantling plan that outlines how the unit will be dismantled shall be required as part of the permit.



BOARD OF TRUSTEES OF SHERMAN TOWNSHIP  
HURON COUNTY, OHIO

Resolution No.: ~~2003-6~~

**A RESOLUTION TO ADOPT AMENDMENT TO THE  
SHERMAN TOWNSHIP ZONING RESOLUTION**

The Board of Trustees of Sherman Township, Huron County, Ohio, met in session, pursuant to notice, on March 31, 2003, with the following members present:

Todd Bischoff, Chairman

John Herner

Richard Houck

Trustee Richard Houck moved the adoption of the following resolution:

Whereas, the Board of Trustees of Sherman Township received, from the Zoning Commission of Sherman Township, a certified motion recommending amendment to the Sherman Township Zoning Resolution; and

Whereas, the Board held a public hearing on the proposed amendment, pursuant to notice, on March 12, 2003, and, pursuant to Ohio Revised Code section 519.12, the Board is required to approve, deny, or modify the proposed amendment within twenty (20) days of the public hearing; and

Whereas, the Board finds that it would be in the best interests of the township and the residents thereof to adopt the proposed amendment to the zoning resolution as attached hereto and incorporated herein; now therefore

BE IT RESOLVED by the Board of Trustees of Sherman Township, Huron County, Ohio, that:

The Board hereby adopts the proposed amendment to the Sherman Township Zoning Resolution, dated November 19, 2002, as attached hereto; and

Further be it resolved that the amendment shall become effective in thirty (30) days after the date of its adoption, unless within that time there is presented to the Board a petition with

sufficient signatures requesting the Board to submit the amendment to the electors of the Township; and

Further be it resolved that the Clerk is hereby directed to file a copy of the amendment with the Huron County Recorder and the Huron County Planning Commission within five (5) working days of its effective date.

Trustee John Herner seconded the motion, and the roll was called on the question of its adoption. The vote was as follows:

<u>aye</u>	✓ <u>Todd A Bischoff</u> Todd A Bischoff, Trustee
<u>aye</u>	✓ <u>John Herner</u> John Herner, Trustee
<u>aye</u>	✓ <u>Richard P Houck</u> Richard P Houck, Trustee

[NOTE: Do not sign or date the CERTIFICATE section, below, on the original resolution. The CERTIFICATE is signed and dated only on copies.]

#### CERTIFICATE

I, the undersigned Clerk of Sherman Township, Huron County, Ohio, hereby certify that the foregoing Resolution No. 2003-6s taken and copied from the record of proceedings of Sherman Township, and that it has been compared by me with the resolution on the record as passed by the Board of Trustees of Sherman Township, Huron County, Ohio, on the 31 st day of March, 2003, and is a true copy.

Date: March 31, 2003

Christine Bumb  
Clerk







BOARD OF TRUSTEES OF SHERMAN TOWNSHIP  
HURON COUNTY, OHIO

Resolution No.: 2004-9

**A RESOLUTION TO ADOPT AMENDMENT TO THE  
SHERMAN TOWNSHIP ZONING RESOLUTION**

The Board of Trustees of Sherman Township, Huron County, Ohio, met in session, pursuant to notice, on March 8, \_\_\_\_\_, 2004, with the following members present:

Todd Bischoff

Tom Elmlinger

Richard Houck

Trustee Tom Elmlinger moved the adoption of the following resolution:

Whereas, the Board of Trustees of Sherman Township received, from the Zoning Commission of Sherman Township, a certified motion recommending amendment to the Sherman Township Zoning Resolution; and

Whereas, the Board held a public hearing on the proposed amendment, pursuant to notice, on March 8, \_\_\_\_\_, 2004, and, pursuant to Ohio Revised Code section 519.12, the Board is required to approve, deny, or modify the proposed amendment within twenty (20) days of the public hearing; and

Whereas, the Board finds that it would be in the best interests of the township and the residents thereof to adopt the proposed amendment to the zoning resolution as attached hereto and incorporated herein; now therefore

BE IT RESOLVED by the Board of Trustees of Sherman Township, Huron County, Ohio, that:

The Board hereby adopts the proposed amendment to the Sherman Township Zoning Resolution, dated December 15, 2003, as attached hereto; and

Further be it resolved that the amendment shall become effective in thirty (30) days after the date of its adoption, unless within that time there is presented to the Board a petition with

sufficient signatures requesting the Board to submit the amendment to the electors of the Township; and

Further be it resolved that the Clerk is hereby directed to file a copy of the amendment with the Huron County Recorder and the Huron County Planning Commission within five (5) working days of its effective date.

Trustee Richard Houck seconded the motion, and the roll was called on the question of its adoption. The vote was as follows:

<u>aye</u>	<u>Todd A Bischoff</u> Todd A Bischoff, Trustee
<u>aye</u>	<u>Tom J. Dumlager</u> Thomas Dumlager, Trustee
<u>aye</u>	<u>Richard P Houck</u> Richard P Houck, Trustee

[NOTE: Do not sign or date the CERTIFICATE section, below, on the original resolution. The CERTIFICATE is signed and dated only on copies.]

CERTIFICATE

I, the undersigned Clerk of Sherman Township, Huron County, Ohio, hereby certify that the foregoing Resolution No. 2004-9 is taken and copied from the record of proceedings of Sherman Township, and that it has been compared by me with the resolution on the record as passed by the Board of Trustees of Sherman Township, Huron County, Ohio, on the 8 day of March, 2004, and is a true copy.

Date: March 8, 2004

Christine Bunker  
Clerk



# R & S TECHNOLOGIES, INC.

2474 State Route 4  
Bellevue, Ohio 44811  
(419) 483-3691

Fax: (419) 483-7010

[www.r-s-t-inc.com](http://www.r-s-t-inc.com)

December 15, 2003

Gary Bumb  
Sherman Township Zoning  
877 Heyman Road  
Bellevue, OH 44811

Application For Re-zoning

Sherman Township Trustees:

Per your letter to me (R & S Technologies) we would like to file an application for re-zoning the following property:

R & S Technologies, Inc.  
2474 State Route 4  
Bellevue, OH 44811  
Phone: (419) 483-3691

The property we are seeking to re-zone is owned by R & S Properties (Paul Ritz & Gary Shingledecker owners) and leased to R & S Technologies, Inc. We are requesting this property be re-zoned to Industrial District to bring us into compliance with the latest zoning resolutions of Sherman Township.

We are currently operating under a conditional variance which is no longer allowed under the new resolutions. There would be no change in the way the property will be used. It will still be used By R & S Technologies, Inc. for the purpose of manufacturing machined and injection molded products for area businesses.

The property owners adjoining our property are:

Gary Shingledecker  
2474 State Route 4  
Bellevue, OH 44811  
(419) 483-7284

Shingledecker Family Trust – Gary Shingledecker (Trustee)  
6633 State Route 547  
Bellevue, OH 44811  
(419) 483-3057

William Magers  
~~2550 State Route 4~~  
Bellevue, OH 44811  
(419) 483-6902

*P.O. Box 256*

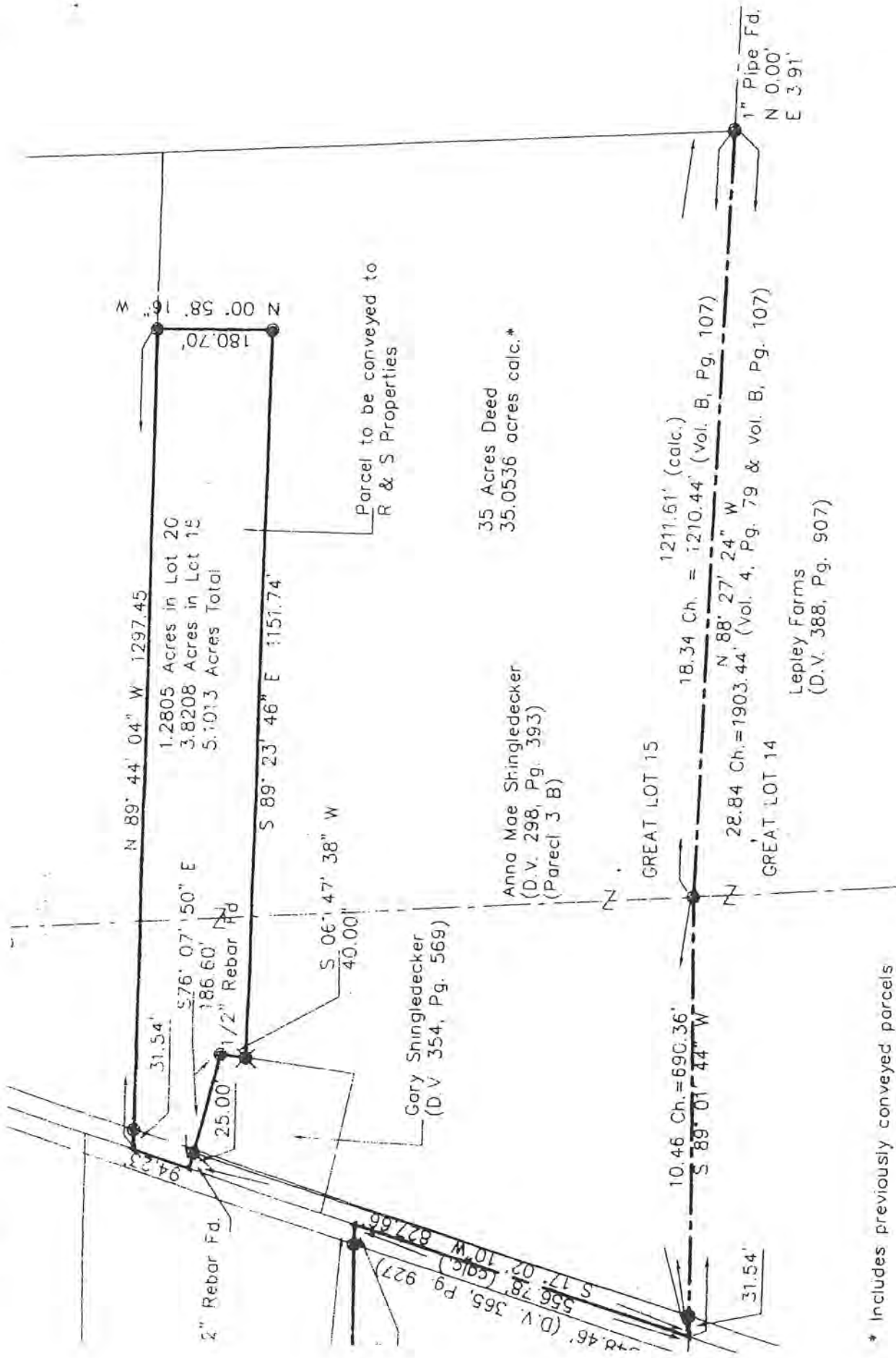
Please find attached a site map of the property to be rezoned.

Rezoning of this property will allow us to continue operating our business in Sherman Township. R & S Technologies, Inc. currently employs 11 local and area people and supplies components to area companies to be used in their equipment. Re-zoning will allow us to continue operating at our current location and enable us to expand our business as required in the future.

Respectfully,



Gary Shingledecker  
R & S Technologies, Inc.



N 00° 58' 16" W  
180.70'

N 89° 44' 04" W 1297.45'

1.2805 Acres in Lot 20  
3.8208 Acres in Lot 15  
5.1013 Acres Total

Parcel to be conveyed to  
R & S Properties

35 Acres Deed  
35.0536 acres calc.\*

Anna Mae Shingledecker  
(D.V. 298, Pg. 393)  
(Parcel 3 B)

Gary Shingledecker  
(D.V. 354, Pg. 569)

1211.51' (calc.)

18.34 Ch. = 210.44' (Vol. B, Pg. 107)

N 88° 27' 24" W  
28.84 Ch. = 1903.44' (Vol. 4, Pg. 79 & Vol. B, Pg. 107)

Lepley Farms  
(D.V. 388, Pg. 907)

1" Pipe Fd.  
N 0.00'  
E 3.91'

GREAT LOT 15

GREAT LOT 14

10.46 Ch. = 690.36'  
S 89° 01' 44" W

2" Rebar Fd.

S 17° 02' 10" W 827.66'  
556.78' (calc.)  
S 89° 46' 46" E 1151.74'

\* Includes previously conveyed parcels





# SHERMAN TOWNSHIP

## ZONING





BOARD OF TRUSTEES OF SHERMAN TOWNSHIP  
HURON COUNTY, OHIO

Resolution No.: 2004-28

A RESOLUTION TO ADOPT AMENDMENT  
TO THE SHERMAN TOWNSHIP ZONING RESOLUTION  
AS MODIFIED BY THE BOARD OF TRUSTEES

The Board of Trustees of Sherman Township, Huron County, Ohio, met in session, pursuant to notice, on October 17, 2004, with the following members present:

Richard Hawek, Chm.

Todd Bischeff

Tom Elminger

Trustee Tom Elminger moved the adoption of the following resolution:

Whereas, the Board of Trustees of Sherman Township received, from the Zoning Commission of Sherman Township, a certified motion recommending amendment to the Sherman Township Zoning Resolution; and

Whereas, the Board held a public hearing on the proposed amendment, pursuant to notice, on October 17, 2004, and, pursuant to Ohio Revised Code section 519.12, the Board is required to approve, deny, or modify the proposed amendment within twenty (20) days of the public hearing; and

Whereas, the Board finds that it would be in the best interests of the township and the residents thereof to adopt the proposed amendment to the zoning resolution as attached hereto and incorporated herein; now therefore

BE IT RESOLVED by the Board of Trustees of Sherman Township, Huron County, Ohio, that:

The Board hereby adopts and modifies the proposed amendment to the Sherman Township Zoning Resolution, specifically as follows:



- 1) Section 359, recommendation of the Zoning Commission, dated 07/29/04, as modified by the Board of Trustees, dated 10/12/04, as attached hereto; and
- 2) Section 365, as recommended by the Zoning Commission, dated 07/29/04, as attached hereto; and
- 3) Section 773, recommendation of the Zoning Commission, dated 07/29/04, as modified by the Board of Trustees, dated 10/12/04, as attached hereto; and
- 4) Section 1301, "Accessory Use (or Structure)" and "Garages, Private" definitions recommendation of the Zoning Commission, dated 07/29/04, as attached hereto.

Further be it resolved that the amendment shall become effective in thirty (30) days after the date of its adoption, unless within that time there is presented to the Board a petition with sufficient signatures requesting the Board to submit the amendment to the electors of the Township; and

Further be it resolved that the Clerk is hereby directed to file a copy of the amendment with the Huron County Recorder and the Huron County Planning Commission within five (5) working days of its effective date.

Trustee Todd Bischoff seconded the motion, and the roll was called on the question of its adoption. The vote was as follows:

Aye

Richard P Houck  
Richard P Houck, Trustee

aye

Todd A Bischoff  
Todd A Bischoff, Trustee

Aye

Thomas Elmlinger  
Thomas Elmlinger, Trustee





BOARD OF TRUSTEES OF SHERMAN TOWNSHIP  
HURON COUNTY, OHIO

Resolution No.: 2005-17

**A RESOLUTION TO ADOPT AMENDMENT  
TO THE SHERMAN TOWNSHIP ZONING RESOLUTION**

The Board of Trustees of Sherman Township, Huron County, Ohio, met in session, pursuant to notice, on Sept. 14, 2005, with the following members present:

Thomas Elmlinger

Todd Bischoff

Richard Hauck

Trustee Dick Hauck moved the adoption of the following resolution:

Whereas, the Board of Trustees of Sherman Township received, from the Zoning Commission of Sherman Township, a certified motion recommending amendment to the Sherman Township Zoning Resolution; and

Whereas, the Board held a public hearing on the proposed amendment, pursuant to notice, on September 14, 2005, and, pursuant to Ohio Revised Code section 519.12, the Board is required to approve, deny, or modify the proposed amendment within twenty (20) days of the public hearing; and

Whereas, the Board finds that it would be in the best interests of the township and the residents thereof to adopt the proposed amendment to the zoning resolution as attached hereto and incorporated herein; now therefore

BE IT RESOLVED by the Board of Trustees of Sherman Township, Huron County, Ohio, that:

The Board hereby adopts the proposed amendment to the Sherman Township Zoning Resolution as attached hereto.



Further be it resolved that the amendment shall become effective in thirty (30) days after the date of its adoption, unless within that time there is presented to the Board a petition with sufficient signatures requesting the Board to submit the amendment to the electors of the Township; and

Further be it resolved that the Clerk is hereby directed to file a copy of the amendment with the Huron County Recorder and the Huron County Planning Commission within five (5) working days of its effective date.

Trustee Todd Bischoff seconded the motion, and the roll was called on the question of its adoption. The vote was as follows:

<u>aye</u>	<u>Todd Bischoff</u> Todd A. Bischoff, Trustee
<u>aye</u>	<u>Thomas A. Elmlinger</u> Thomas Elmlinger, Trustee
<u>Aye</u>	<u>Richard P. Houck</u> Richard P. Houck, Trustee

[NOTE: Do not sign or date the CERTIFICATE section, below, on the original resolution. The CERTIFICATE is signed and dated only on copies.]

#### CERTIFICATE

I, the undersigned Clerk of Sherman Township, Huron County, Ohio, hereby certify that the foregoing Resolution No. 2005-17 is taken and copied from the record of proceedings of Sherman Township, and that it has been compared by me with the resolution on the record as passed by the Board of Trustees of Sherman Township, Huron County, Ohio, on the 14 day of September, 2005, and is a true copy.

Date: 9-14-05

Christine Burnb  
Clerk



BOARD OF TRUSTEES OF SHERMAN TOWNSHIP  
HURON COUNTY, OHIO

Resolution No.: 2007-9

**A RESOLUTION TO ADOPT AMENDMENT *as modified***  
**TO THE SHERMAN TOWNSHIP ZONING RESOLUTION**

The Board of Trustees of Sherman Township, Huron County, Ohio, met in session, pursuant to notice, on June 25, 2007, with the following members present:

Todd Bischoff

Tom Elminger

Trustee Todd Bischoff moved the adoption of the following resolution:

Whereas, the Board of Trustees of Sherman Township received, from the Zoning Commission of Sherman Township, a certified motion recommending amendment to the Sherman Township Zoning Resolution; and

Whereas, the Board held a public hearing on the proposed amendment, pursuant to notice, on June 25, 2007, and, pursuant to Ohio Revised Code section 519.12, the Board is required to approve, deny, or modify the proposed amendment within twenty (20) days of the public hearing; and

Whereas, the Board finds that it would be in the best interests of the township and the residents thereof to adopt the proposed amendment to the zoning resolution as attached hereto and incorporated herein; now therefore *the Board of Trustees voted unanimously to adopt the amendment as modified.*

BE IT RESOLVED by the Board of Trustees of Sherman Township, Huron County, Ohio, that:

The Board hereby adopts the proposed *modified* amendment to the Sherman Township Zoning Resolution as attached hereto. 1





Further be it resolved that the <sup>modified</sup> amendment shall become effective in thirty (30) days after the date of its adoption, unless within that time there is presented to the Board a petition with sufficient signatures requesting the Board to submit the <sup>modified</sup> amendment to the electors of the Township; and

Further be it resolved that the Fiscal Officer is hereby directed to file a copy of the <sup>modified</sup> amendment with the Huron County Recorder and the Huron County Planning Commission within five (5) working days of its effective date.

Trustee Tom Elminger seconded the motion, and the roll was called on the question of its adoption. The vote was as follows:

<u>aye</u>	<u>Todd A. Bischoff</u> Todd A. Bischoff
<u>aye</u>	<u>Tom J. Elminger</u> Thomas Elminger
<u>          </u>	<u>absent</u> Richard P. Houck

[NOTE: Do not sign or date the CERTIFICATE section, below, on the original resolution. The CERTIFICATE is signed and dated only on copies.]

CERTIFICATE

I, the undersigned Fiscal Officer of Sherman Township, Huron County, Ohio, hereby certify that the foregoing Resolution No. 2007-9 is taken and copied from the record of proceedings of Sherman Township, and that it has been compared by me with the resolution on the record as passed by the Board of Trustees of Sherman Township, Huron County, Ohio, on the 25 day of June, 2007, and is a true copy.

Date: June 25, 2007

Christina Bunk  
Fiscal Officer



BOARD OF TRUSTEES OF SHERMAN TOWNSHIP  
HURON COUNTY, OHIO

Resolution No.: 2009-14

**A RESOLUTION TO ADOPT AMENDMENT  
TO THE SHERMAN TOWNSHIP ZONING RESOLUTION**

The Board of Trustees of Sherman Township, Huron County, Ohio, met in session, pursuant to notice, on June 24, 2009, with the following members present:

Todd B. Seckoff  
Richard Hauck

Trustee Richard Hauck moved the adoption of the following resolution:

Whereas, the Board of Trustees of Sherman Township received, from the Zoning Commission of Sherman Township, a certified motion recommending amendment to the Sherman Township Zoning Resolution; and

Whereas, the Board held a public hearing on the proposed amendment, pursuant to notice, on June 24, 2009, and, pursuant to Ohio Revised Code section 519.12, the Board is required to approve, deny, or modify the proposed amendment within twenty (20) days of the public hearing; and

Whereas, the Board finds that it would be in the best interests of the township and the residents thereof to adopt the proposed amendment to the zoning resolution as attached hereto and incorporated herein; now therefore

BE IT RESOLVED by the Board of Trustees of Sherman Township, Huron County, Ohio, that:

The Board hereby adopts the proposed amendment to the Sherman Township Zoning Resolution as attached hereto.



Further be it resolved that the amendment shall become effective in thirty (30) days after the date of its adoption, unless within that time there is presented to the Board a petition with sufficient signatures requesting the Board to submit the amendment to the electors of the Township; and

Further be it resolved that the Fiscal Officer is hereby directed to file a copy of the amendment with the Huron County Recorder and the Huron County Planning Commission within five (5) working days of its effective date.

Trustee Todd Bischoff seconded the motion, and the roll was called on the question of its adoption. The vote was as follows:

<u>aye</u>	<u>Todd A. Bischoff</u> Todd A. Bischoff
<u>absent</u>	<u>Thomas Elmlinger</u> Thomas Elmlinger
<u>aye</u>	<u>Richard P. Hotick</u> Richard P. Hotick

[NOTE: Do not sign or date the CERTIFICATE section, below, on the original resolution. The CERTIFICATE is signed and dated only on copies.]

CERTIFICATE

I, the undersigned Fiscal Officer of Sherman Township, Huron County, Ohio, hereby certify that the foregoing Resolution No. 2009-14 is taken and copied from the record of proceedings of Sherman Township, and that it has been compared by me with the resolution on the record as passed by the Board of Trustees of Sherman Township, Huron County, Ohio, on the 24 day of June, 2009, and is a true copy.

Date: 6-24-09

Christine Bumb  
Fiscal Officer



Suggested wording and placement of new addition to Resolution

Create a Page 21A that would contain the following section:

440 PROHIBITED USES

THE FOLLOWING USES SHALL BE PROHIBITED IN ALL ZONING DISTRICTS

1. Medical marijuana cultivators, medical marijuana processors, or medicals marijuana retail dispensaries.
2. Landfills, private or publicly owned.
3. Manufacture of gunpowder and/or black powder.
4. Manufacture or sale of fireworks.
5. Junkyard and/or Salvage yard

**FILED**

**JAN 16 2018**

**JAN M. TKACH  
HURON COUNTY RECORDER**





FILED

JAN 16 2018

JAN M. TKACH  
HURON COUNTY RECORDER

RESOLUTION NO. 2017- 8

**A RESOLUTION ESTABLISHING SECTION 440 OF THE ZONING RESOLUTION OF SHERMAN TOWNSHIP RELATIVE TO PROHIBITED LAND USES WITHIN THE UNINCORPORATED AREA OF SHERMAN TOWNSHIP, OHIO.**

**WHEREAS**, the Board of Township Trustees of Sherman Township has previously adopted a comprehensive zoning resolution regarding land use within Sherman Township, Ohio; and

**WHEREAS**, Governor Kasich recently signed House Bill 523 which legalized medical marijuana and provides for medical marijuana cultivators, medical marijuana processors, and medical marijuana retail dispensaries, but also authorizes local governments to prohibit these types of uses to be located within their boundaries; and

**WHEREAS**, the Board of Trustees finds that the Zoning Resolution and other regulations, or applicable laws and resolutions of Sherman Township, Ohio do not contain any provisions that specifically address the location, and operation of medical marijuana cultivators, medical marijuana processors, and medical marijuana retail dispensaries within the unincorporated area of Sherman Township; and

**WHEREAS**, the Board of Trustees also finds that the Zoning Resolution and other regulations, or applicable laws and resolutions of Sherman Township, Ohio do not contain any provisions that specifically addresses other undesirable land uses within the unincorporated area of Sherman Township; and

**WHEREAS**, the Board of Trustees has determined that it is necessary to establish *section 440 of the Zoning Resolution of Sherman Township, Ohio* in order to establish prohibited land uses within the unincorporated area of Sherman Township; and

**WHEREAS**, the Sherman Township Zoning Commission has adopted a motion to authorize the prosecuting attorney to draft an amendment to *the Zoning Resolution of Sherman Township, Ohio*; and

**WHEREAS**, the Sherman Township Zoning Commission has received and reviewed the requested zoning amendment and has also conducted a public hearing relative to said amendment pursuant to *section 519.12 of the Ohio Revised Code*; and

**WHEREAS**, the Sherman Township Zoning Commission has recommended to the Board of Trustees of Sherman Township to adopt the *section 440 of the Zoning Resolution of Sherman Township, Ohio*; and

**WHEREAS**, the Board of Trustees of Sherman Township has received and reviewed both the zoning amendment prepared by the prosecutor and the recommendation of the Sherman Township Zoning Commission relative to *section 440 of the Zoning Resolution of Sherman*



Township, Ohio, and pursuant to §519.12 of the Ohio Revised Code, has conducted a public hearing on the same on November 14, 2017; and

**WHEREAS**, the Board of Trustees of Sherman Township has determined that it is in the best interest of the township to adopt the within amendment to *the Zoning Resolution of Sherman Township, Ohio* relative to prohibited land uses within the unincorporated area of the township; and

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF SHERMAN TOWNSHIP, HURON COUNTY, AND STATE OF OHIO:**

**SECTION 1.** From the effective date of this Resolution, *section 440 of the Zoning Resolution of Sherman Township, Ohio* shall read as follows:

**Section 440 PROHIBITED USES**

The following uses shall be prohibited in all zoning districts:

1. Medical marijuana cultivators, medical marijuana processors, or medical marijuana retail dispensaries;
2. Landfills, private or publicly owned;
3. Manufacture of gunpowder and/or black powder;
3. Manufacture or sale of fireworks; and
4. Junkyards and/or Salvage Yards.

**SECTION 2.** That this Board of Trustees hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including §121.22 of the Ohio Revised Code.

**SECTION 3.** That the within Resolution shall be effective at the earliest date permitted by law.

  
\_\_\_\_\_  
Trustee

  
\_\_\_\_\_  
Trustee

  
\_\_\_\_\_  
Trustee



Attest:

Marie Elmlinger Shultz  
Township Fiscal Officer

Adopted: December 11, 2017





FILED

APR 13 2018

JAN M. TKACH  
HURON COUNTY RECORDER

RESOLUTION NO. 2017- 9

**A RESOLUTION OF THE BOARD OF TRUSTEES OF SHERMAN TOWNSHIP ESTABLISHING REGULATIONS FOR THE STORAGE OF JUNK MOTOR VEHICLES ON EITHER PUBLIC OR PRIVATE PROPERTY WITHIN THE UNINCORPORATED AREA OF SHERMAN TOWNSHIP, OHIO.**

**WHEREAS**, the Board of Trustees of Sherman Township, Huron County, Ohio believes that the location of junk motor vehicles on public and private property is injurious to the general health, safety, and welfare of the residents of Sherman Township; and

**WHEREAS**, the Board of Trustees of Sherman Township has been informed by its legal advisor, the Huron County Prosecutor's Office, that pursuant to *section 505.173 of the Revised Code*, it may adopt regulations for the storage of junk motor vehicles and/or the storage of collector's motor vehicles on public or private property within the township; and

**WHEREAS**, the Board of Trustees of Sherman Township, Huron County, Ohio, has determined that it is necessary to adopt said regulations in order to protect the health, safety and general welfare of the township, pursuant to *section 505.173 of the Revised Code*; and

Mr. Ron Myers introduced the following resolution and moved its adoption:

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF SHERMAN TOWNSHIP, HURON COUNTY, AND STATE OF OHIO:**

**Section 1.** No person shall willfully leave a junk motor vehicle uncovered in the open on public or private property for more than seventy-two hours with the permission of the person having the right to the possession of the property, except if the person is operating a junk yard or scrap metal processing facility licensed under authority of *sections 4737.05 to 4737.12 of the Revised Code*, the operation as a motor vehicle salvage dealer, salvage motor vehicle auction or salvage motor vehicle pool of a person licensed under *Chapter 4738. of the Revised Code*; or the provision of towing and recovery services conducted under *sections 4513.60 to 4513.63 of the Revised Code*, including the storage and disposal of junk motor vehicles removed from public or private property in accordance with those sections.

For purposes of this Resolution and pursuant to *R.C. section 505.173(E)*, "Junk motor vehicle" means any motor vehicle meeting all of the following requirements:

- (A) Three years old, or older;
- (B) Apparently inoperable; and
- (C) Extensively damaged, including but not limited to, any of the following: missing wheels, tires, engine, or transmission.

For purposes of this Resolution, regardless of whether it is licensed or unlicensed, a collector's vehicle is a "junk motor vehicle" for purposes of this Resolution if the collector's vehicle meets all of the criteria of a "junk motor vehicle" as set forth above.

The term "motor vehicle" has the same meaning as set forth in *Ohio Revised Code section 4501.01*.



This Resolution does not prevent a person from storing or keeping, or restrict a person in the method of storing or keeping, any collector's vehicle on private property with the permission of the person having the right to the possession of the property, except that a person having such permission is required to conceal any collector's vehicle or junk motor vehicle, by means of a suitable enclosed building, garage or pole barn. No junk motor vehicle or collector's motor vehicle shall be stored out in the open.

In the event a junk motor vehicle is found located on private property, the Board of Trustees or its designee, shall send notice, by regular mail with certificate of mailing or by residence service, to the person having the right to the possession of the property on which a junk motor vehicle is left, that within fourteen (14) days of receipt of the notice, the junk motor vehicle either shall be concealed by being housed in a suitable enclosed building, garage or pole barn, or shall be removed from the property. The Board of Trustees hereby appoints the zoning inspector and/or the road superintendent as its designee to enforce the within Resolution.

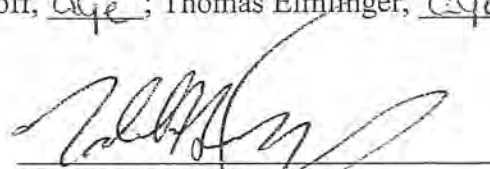
No person shall willfully leave a junk motor vehicle uncovered in the open for more than fourteen (14) days after receipt of the notice as provided in this Resolution. The fact that a junk motor vehicle is so left is prima-facie evidence of willful failure to comply with the notice, and each day that a junk motor vehicle continues to be so left constitutes a separate offense.

Whoever violates this Resolution is guilty of a minor misdemeanor. Each day that a violation of this Resolution continues constitutes a separate offense. All fines levied and collected under this Resolution shall be paid into the township general revenue fund. In addition to other remedies provided by law, the Board of Trustees may institute an action for injunction, mandamus, or abatement, or any other appropriate action or proceeding to prohibit the storage of junk motor vehicles in violation of this Resolution.

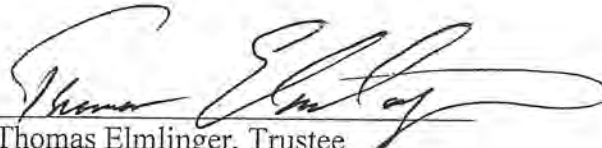
**Section 2.** That the Board of Trustees of Sherman Township, Ohio hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of this Board; and that all deliberations of this Board and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including *section 121.22 of the Revised Code*.

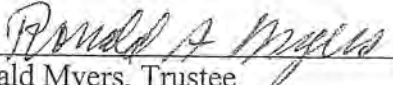
**Section 3.** That this Resolution shall become effective at the earliest date permitted by law.

Mr. Tom Elmlinger seconded the motion to adopt said Resolution, and upon roll call, the votes resulted as follows: Todd Bischoff, Aye; Thomas Elmlinger, Aye; and Ronald Myers, Aye.

  
\_\_\_\_\_  
Todd Bischoff, Trustee



  
Thomas Elmlinger, Trustee

  
Ronald Myers, Trustee

Attest:

  
Marie Elmlinger, Township Fiscal Officer  
Shultz

Adopted: ~~November 13~~, 2017  
December 11,



FILED

APR 13 2018

JAN M. TKACH  
HURON COUNTY RECORDER

RESOLUTION NO. 2017- 10

**A RESOLUTION OF THE BOARD OF TRUSTEES OF SHERMAN TOWNSHIP PROVIDING FOR THE REMOVAL OF JUNK MOTOR VEHICLES ON EITHER PUBLIC OR PRIVATE PROPERTY WITHIN THE UNINCORPORATED AREA OF SHERMAN TOWNSHIP, HURON COUNTY, OHIO.**

**WHEREAS**, the Board of Trustees of Sherman Township, Huron County, Ohio believes that the location of junk motor vehicles on public and private property is injurious to the general health, safety, and welfare of the residents of Sherman Township; and

**WHEREAS**, the Board of Trustees of Sherman Township has been informed by its legal advisor, the Huron County Prosecutor's Office, that pursuant to *section 505.871 of the Revised Code*, it may provide for the removal of any vehicle in the unincorporated area of the township that the Board determines to be a junk motor vehicle, as that term is defined by *section 505.173 of the Ohio Revised Code*, from public or private property within the township; and

**WHEREAS**, the Board of Trustees has determined that it is necessary to avail itself of the procedures outlined in *R.C. 505.871* in order to protect the health, safety and general welfare of the township; and

Mr. Ron Myers introduced the following resolution and moved its adoption:

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF SHERMAN TOWNSHIP, HURON COUNTY AND STATE OF OHIO:**

**Section 1.** In the event a junk motor vehicle is found located on public property in the unincorporated area of the township, the Board of Trustees or its designee, may provide for its immediate removal. The titled owner shall be responsible to the Board of Trustees to pay any and all the costs associated with the removal of said vehicle. The Board hereby appoints the zoning inspector and/or the road superintendent as its designee to enforce the within Resolution.

In the event a junk motor vehicle is found located on private property and not concealed by a suitable enclosed building, garage or pole barn in the unincorporated area of the township, the Board of Trustees may provide, by Resolution, for the removal of the vehicle not sooner than fourteen (14) days after the Board serves written notice of its intention to remove or cause the removal of the vehicle on the owner of the land and any holders of liens of record on the land. The notice shall comply with *section 505.871 of the Revised Code* and shall be served upon the owner of the land and any holders of liens of record on the land by certified mail, return receipt requested. If a notice sent by certified mail is refused or unclaimed, or if an owner's address is unknown and cannot reasonably be ascertained by an exercise of reasonable diligence, the board shall publish the notice once in a newspaper of general circulation in the township before the removal of the vehicle, and, if the land contains any structures, the board also shall post the notice on the principal structure on the land.

A notice sent by certified mail shall be deemed to be served on the date it was received as indicated by the date on a signed return receipt. A notice given by publication shall be deemed to be served on the date of the newspaper publication.





**Section 2.** The Board of Trustees may cause the removal or may employ the labor, materials, and equipment necessary to remove a junk motor vehicle. All expenses incurred in removing or causing the removal of a junk motor vehicle, when approved by the Board, shall be paid out of the Township general fund from moneys not otherwise appropriated.

The Board of Trustees may utilize any lawful means to collect the expenses incurred in removing or causing the removal of a junk motor vehicle. The Board shall direct the Township Fiscal Officer to certify the expenses and a description of the land to the Huron County Auditor, who shall place the expenses upon the tax duplicate as a lien upon the land to be collected as other taxes and returned to the Township general fund.

**Section 3.** Nothing in this Resolution shall affect the authority of the Sherman Township Board of Township Trustees to adopt and enforce a Resolution adopted under the authority of *section 505.173 of the Revised Code* to regulate the storage of junk motor vehicles or collector's vehicles on private or public property in the Township. Vehicles removed pursuant to this Resolution are subject to the same restrictions specified in *section 505.173(A) of the Revised Code*.

**Section 4.** For purposes of this Resolution and pursuant to *R.C. section 505.173*, "Junk motor vehicle" means any motor vehicle meeting all of the following requirements:

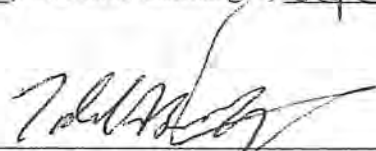
- (A) Three years old, or older;
- (B) Apparently inoperable; and
- (C) Extensively damaged, including but not limited to, any of the following: missing wheels, tires, engine, or transmission.

The term "motor vehicle" has the same meaning as set forth in *Ohio Revised Code section 4501.01*.

**Section 5.** That the Board of Trustees of Sherman Township, Ohio hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of this Board; and that all deliberations of this Board and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including *section 121.22 of the Revised Code*.

**Section 6.** That this Resolution shall become effective at the earliest date permitted by law.

Mr. Tom Elmlinger seconded the motion to adopt said Resolution, and upon roll call, the votes resulted as follows: Todd Bischoff, Aye; Thomas Elmlinger, Aye; and Ronald Myers, Aye.

  
\_\_\_\_\_  
Todd Bischoff, Trustee

  
\_\_\_\_\_  
Tom Elmlinger



Thomas Elmlinger, Trustee

Ronald A Myers  
Ronald Myers, Trustee

Attest:

Marie Elmlinger Shultz  
Marie Elmlinger, Township Fiscal Officer  
Shultz

Adopted: November 13, 2017  
December 11,

