

ALLEN TOWNSHIP ** OTTAWA COUNTY, OHIO

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

SECTION 1

A. DISTRICTS - DISTRICTS AND GENERAL REGULATIONS

Allen Township is hereby divided into nine (9) districts as follows:

<u>Symbol</u>	<u>Name</u>
A-1	Agricultural District
A-4	Rural Residential District
R-A	Suburban Residential District
R-1	One Family Dwelling District
R-3	Multiple Family Dwelling District
R-5	Cluster Housing Retirement Community
C-1	Limited Commercial District
C-2	General Commercial District
M-1	Limited Industrial District
M-3	Heavy Industrial District

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

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

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

B. GENERAL REGULATIONS

1. Except as hereinafter provided, it shall be unlawful to locate, erect, construct, reconstruct, enlarge or structurally alter any building except in conformity with

the regulations of the District in which such building is located.

2. Except as hereinafter provided, it shall be unlawful to use any land or building for any purpose other than is permitted in the District in which such land or building is located.
3. No open space provided about any building for the purpose of complying with the provisions of this Resolution shall be considered as providing open space for any other building.
4. No parcel of land held under one ownership, with or without buildings, at the time this Resolution became effective, shall be reduced, nor shall any such parcel be subdivided in any manner below the minimum lot width and lot area required by this Resolution.
5. Exceptions to these regulations in specific cases may be authorized by the Board of Zoning Appeals where there are practical difficulties or unnecessary hardships in carrying out the strict letter of this Resolution provided such exception is in harmony with the general purpose and intent of this Resolution, and in accordance with the procedures specified in Section 14. Hardship shall be based on physical limitations of the land and does not encompass financial considerations.
6. The dumping and/or burying and/or spreading, in any manner, of sewer and/or sewer sludge and/or industrial waste is fully prohibited in all ten (10) zoning classifications herein.
7. In all districts, minimum lot areas have been established for dwelling lots. It should be noted that in some cases, the Board of Health or other agencies such as the Regional Planning Commission, Building Inspector, etc. may require greater lot areas than the minimum herein provided on whether the lots are served by municipal water and/or community sewage treatment facilities.
8. Every residence hereafter erected or structurally altered shall be located on a lot as herein defined and in no case, shall there be more than one (1) residence on one (1) lot except as specifically provided herein.
9. Except as hereinafter provided, it shall be unlawful to place any structure, as defined herein, within the right-of-way of any public road in Allen Township. The only exceptions to this regulation shall include the following:
 - a. Utility poles by a public utility company licensed by the Public Utility Commission of Ohio (PUCO);
 - b. Governmental signs; and
 - c. U.S. postal mailboxes and newspaper containers if the following specifications are observed.
 1. Any new mailbox or newspaper container shall only be mounted on a 4" by 4" square wooden post or a 2" hollow steel post. In either case, it shall be designed to break away at grade level if struck by a passing motorist.
 2. Any mailbox or newspaper container that is repaired or replaced shall comply with the specifications listed in #1 above.

A privately owned mailbox or newspaper container within a

public road right-of-way of Allen Township which is damaged by a township employee, during conduct of official township business, shall be replaced by Allen Township at no cost to the property owner using a 4" by 4" square wooden post and a standard U.S. mailbox or newspaper container. (07/09/97)

SECTION 2

DEFINITIONS

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

The words "used for" include "designed for" and vice versa; words used in the present tense include the future; words in the singular number

include the plural number and vice versa; the word "building" includes the word "structure"; the word "dwelling" includes the word "residence"; the word "lot" includes the word "plot"; and the word "shall" is mandatory and not directory.

Accessory Building or Structure: A detached building or structure located on the same lot as an existing building, the use of which is clearly incidental or secondary to that of the main building and which is not used for human habitation. An accessory building or structure may only be built when a principal building exists or one is under construction.

Structures or vehicles intended or designed to be used as a temporary or permanent residence, such as mobile homes and recreational vehicles, and any other vehicle designed or intended to be used for the movement of goods and materials over the highways, such as truck trailers, shall not be used as an accessory building or structure.

Where no main or principal building exists, and the land is used for a permitted or conditionally permitted use allowed by the zoning district, such as a golf course, an accessory building or structure may be built subject to all other requirements of this resolution. (3/04/03)
(06/08/06)

Adult Arcade: Any place to which the public is permitted and or/charged an admittance fee wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where the images so displaced are distinguished or characterized by the depicting or describing of nudity or sexual or genital areas. (07/09/97)

Adult Bookstore: Any establishment which utilizes ten (10) percent or more of its retail selling area for the purpose of retail sale or rental or for the purpose of display by coin-operated or slug-operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices, books, magazines, periodicals, films, tapes, and cassettes which are distinguished by their emphasis on adult materials or characterized by the depicting or describing of nudity or genital areas. (07/09/97)

Adult Cabaret: A nightclub, bar, restaurant, or similar establishment in which persons appear in a state of nudity in the performance of their duties. (07/09/97)

Adult Health Club: Any establishment that provides equipment and facilities for exercising and improving physical fitness where employees and/or patrons appear in a state of nudity. (07/09/97)

Adult Material: Any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure image, description, motion picture film, phonographic record or tape, other tangible thing, or any service, capable of arousing interest through sight, sound, or touch, and which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination; or which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination. (07/09/97)

Adult Motion Picture Theatre: A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are

characterized by the depiction or description of specified anatomical areas or specified sexual activities, nudity, or sexual or genital areas. (07/09/97)

Agriculture: The use of land for farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry; including but not limited to the care and raising of livestock, equine, and fur bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production. (07/09/97)

Airport Or Aircraft Landing Field: Any land area, runway or other facility designed, used, or intended to be used either publicly, or by any person or persons, for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangers and other necessary buildings and open spaces.

Alley: A minor street used primarily for vehicular service access to the back or side of property abutting on other streets.

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

Apartment: Same as "Dwelling Unit".

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

Apartment House: Same as "Dwelling, Multiple".

Automobile Service Station : Any premises used for supplying gasoline and oil, at retail direct to the customer, including minor accessories and services to automobiles.

Automobile, Recreational Vehicle, Utility Trailer, and Yard & Farm Implement Sales Area: An open area, other than a street, used for the display or sale of new or used automobiles, utility trailers, yard and farm implements, and the following recreational vehicles.

Recreational Vehicle: Defined as and including the following:

- a. Travel Trailer (including 5th wheels): A vehicular portable structure built on a chassis designed to be use as a temporary dwelling for travel, recreation, and vacation use and not exceeding thirty-five (35) feet in length.
- b. Truck Camper: A structure designed primarily to be mounted on a truck and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreation and vacation uses.
- c. Motor Home: A portable dwelling designed and constructed as an integral part of a self-propelled vehicle which is more than seven (7) feet high and/or more than sixteen (16) feet long.
- d. Folding Tent Trailer: A canvas folding structure mounted on wheels and designated for travel and vacation use.

No repair work shall be undertaken except for minor incidental repair of the vehicles being displayed or sold on the premises. (07/09/97)

Automobile Wrecking Yard: Any place where two or more motor vehicles not in running condition are stored or where the dismantling or wrecking of used motor vehicles, mobile homes, trailer or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts occurs.

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

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

Billboard Or Poster Panel: Any sign or advertisement used as an outdoor display for the purpose of making anything known, the origin of point of sale of which is remote from said display.

Board: Shall mean the Board of Zoning Appeals.

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

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

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

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

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

Building, Unit Group: Two or more buildings (other than dwellings) grouped upon a lot and held under one ownership, such as universities, hospitals and institutions.

Building Width: The shorter or shortest dimension of a dwelling unit consisting of enclosed living spaces, but not including enclosed porches, and breezeways, attached garages, and the like. (7/23/98)

Business: An office, sales room, store or shop engaged in the sale of commodities and services to a local area or neighborhood, the sales being of a retail character.

Child Day Care Center: Any commercial building, residential building, or other building or place 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 (24) hour day in a building, place, or residence other than the child's own home. (07/09/97)

Commission: Shall mean the Zoning Commission of Allen Township.

Conditional Uses: A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals. Conditional uses permitted in each district are presented in the section of districts.

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

Condominium: A dwelling unit which is a part of the condominium property consisting of one or more rooms on one or more floors of a building and designated as a dwelling unit in the condominium declaration and delineated on the drawings provided in Section 5311.07 of the Ohio Revised Code.

Condominium Development: A condominium property in which two or more individual dwelling units, together with undivided interests in the common areas and facilities of the property are offered for sale.

Condominium Property: All lands, buildings, improvements, and structures; all easements, rights, and appurtenances belonging to the land; and all articles of personal property submitted as required by Section 5311 of the Ohio Revised Code, as amended.

Condominium Unit: A part of the condominium property consisting of one or more rooms on one or more floors of a building and designated as a unit in the declaration and delineated on the required drawings.

Converse Condominium Development: A condominium development that was originally created as a rental property occupied by tenants prior to the time that the condominium property is submitted to the provisions of Section 5311 of the Ohio Revised Code and the units are offered for sale.

Conversion: The changing of the original purpose of a building to a different use.

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

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

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

Curb Grade: The elevation of the established curb in front of the building measured at the center of such front. Where no curb grade has been established, the County Engineer may establish such curb grade or its equivalent for the purpose of this Resolution. (06/08/06)

Density: The number of units per acre.

Dwelling: A building or portion thereof, designed exclusively for permanent residential occupancy, including one-family, two-family, and multiple-family dwellings, and HUD approved manufactured homes meeting the requirements listed in Section 12, but not including hotels, motels, boarding or rooming houses, or recreational vehicles. (7/23/98)

Dwelling, One-Family: A detached building designed exclusively for occupancy by one (1) family.

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

Dwelling, Multiple-Family: A building or portion thereof, designed for occupancy by two (2) or more families living independently of each other.

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

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

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

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

Electronic Message Center Sign: A sign using electrical flashing symbols or word messages, electrical illusionary movement symbols or word messages, electrical fixed symbols or word messages and computer

controlled variable electronic symbols or word messages used to display information, primarily to the motoring public. An example of this type of sign is the time and/or temperature signs customarily located at a lending institution, that might also display interest and loan rates. (7/12/07)

Family: Up to five (5) persons above the age of eighteen (18) and up to six (6) persons below the age of eighteen (18) who are related by blood, adoption, marriage, or guardianship to any of the first five (5) above eighteen (18) years of age. (07/09/97)

Fence: A barrier intended to prevent intrusion or escape, or to mark a boundary; constructed of posts and wires, boards, metal, vegetation, and/or plastic or similar durable material.

Floor Area: The sum of the gross horizontal area of all floors, excluding basements and other areas not used for permanent occupancy or use.

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

Garage, Private: A detached accessory building or portion of a main building for the parking or temporary storage of automobiles of the occupants of the premises, and wherein (a) not more than one space is rented for parking to persons not resident on the premises (b) not more than one (1) commercial vehicle per dwelling unit is parked or stored;

and (c) the commercial vehicles permitted do not exceed five (5) tons capacity.

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

Gazebo: A freestanding, roofed accessory structure which is not enclosed except for screening or glass and which is utilized for the purposes of relaxation in conjunction with a residential dwelling. (06/08/06)

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

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

- a. No person other than members of the family residing on the premises shall be engaged in such occupation
conducted in the dwelling or garage containing 600 square feet or less;
- b. Permitted activities shall include the making, servicing or repairing of goods, wares, or merchandise or the providing of goods or services for hire or gain.
- c. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% of the total floor area of the dwelling unit shall be used in the conduct of the home occupation;
- d. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation other than one (1) sign as permitted in Section 12d of this Resolution;
- e. No external storage of goods or materials outside of the dwelling or garage shall be permitted;
- f. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of the home occupation shall be met using off-street parking;
- g. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot;
- h. The home occupation shall not create or become a public nuisance; and
- i. The Board of Zoning Appeals, after due process including at a minimum an investigation by the zoning inspector and a public hearing, shall have the authority to revoke the

authorization of the single-family dwelling or garage containing 600 square feet or less as a home occupation if any of the above conditions are violated. (3/04/03)

Home Office: An accessory use in which work for compensation is undertaken within the primary residential structure, including but not limited to, receiving or initiating correspondence such as phone calls, mail, faxes, or e-mails; preparing or maintaining business records; word and data processing; and telephone, mail order, and off-premise sales. No customer/client on-site visitations shall occur. There shall be no non-resident employees and no more than twenty-five (25) percent of the residential floor area shall be used in the conduct of the home office. Delivery trucks used to deliver necessary supplies are limited to passenger vehicles, mail carriers, and express carriers such as UPS. (3/04/03)

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

Industrial Unit or Dwelling: A constructed unit that is approved by the Ohio Department of Industrial Relations and meets the requirements of Section 4101:-98 of the Ohio Basic Building Code. Verification of whether the unit is an industrial unit or dwelling as approved by the State of Ohio can be made by the Ottawa County Building Inspection Office.

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

Junk Yard: An open area where waste, scrap metal, paper, rags or similar materials are bought, sold, exchanged, stored, packed, or handled including building wrecking yards, but excluding uses taking place entirely within an enclosed building, or for the maintenance or operation of a machinery or automobile graveyard except for the storage of wrecked or impounded automobiles for a period of less than ninety (90) days exclusively for storage, repair, or resale without alteration. Fences will be required as per O.R.C.

Kennel or Cattery: Any lot or premises on which five (5) or more domesticated dogs or cats, more than four (4) months of age are housed, groomed, bred, boarded, trained, or sold and which offers provisions for minor medical treatment.

Loading Space: An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street or other appropriate means of access.

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

Lot Area: The total horizontal area within the lot lines of a lot.

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

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

Lot Interior: A lot other than a corner lot.

Lot Lines: The lines bounding a lot as defined herein.

Lot, Reversed Corner: A corner lot and side street line of which is substantially a continuation of the front line of the lot to its rear.

Lot, Through: A lot having frontage on two (2) parallel or approximately parallel streets.

Lot Width: The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

Manufacturing: The process of using raw materials to create a product. A productive industry using mechanical power and/or machinery.

Manufactured Home: A building unit or assembly of closed construction that is fabricated in an off site facility and constructed in conformance with federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974" 88 Stat. 700, 42 U.S.C.A. 5401, 5403 and has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance will all applicable federal construction and safety standards. (8/12/00)

Manufactured Home Park: Any tract of land upon which three (3) or more manufactured homes used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used/intended for use as a part of the facilities of said park. (8/12/00)

Massage: Any method of exerting pressure on, stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating, the external soft tissue of the body with the hands, or with the aid of any mechanical or electrical apparatus or appliance. (07/09/97)

Massage Establishment: Any fixed place of business where a person offers massages to patrons for a fee which may be in connection with the provision of another legitimate service. (07/09/97)

Masseur or Masseuse: Any individual who performs massages at a massage establishment. (07/09/97)

Mini-Storage: A building, not over twenty (20) feet in height, containing separate storage spaces containing thirty to four hundred square feet each, with direct access to the outside, that are leased, rented, or sold on an individual basis and used for the storage of non-hazardous personal goods by individuals or commercial operations. (06/08/06)

Modular Unit or Dwelling: Same as manufactured home and excluding approved industrialized units in dwelling.

Motel: Same as Tourist Court.

Non-Conforming Building: A building or structure or portion thereof lawfully existing at the time this Resolution became effective, which was designed, erected, or structurally altered for a use that does not conform to the use regulations of the district in which it is located.

Non-Conforming Use: A use which lawfully occupied a building or land at the time this Resolution became effective and which does not conform with the use regulations of the district in which it is located.

Nude or Nudity: Showing of either the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering or the female breast with less than a full opaque covering on any part of the nipple. (07/09/97)

Parking Area, Private: An open area, other than a street or alley, used for the parking of the automobiles of occupants of a dwelling.

Parking Area, Public or Customer: An open area, other than a private parking area, street or alley, used for the parking of automobiles and available for public or quasi-public use.

Parking Space, Automobile: Space within a building or a private or public parking area for the parking of one (1) automobile.

Planned Unit Development: An area of land, in which a variety of housing type and/or related commercial and industrial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision such as building design principles, and landscaping plans.

Public Park: Land owned by a governmental entity which has been designated for park or recreational activities, including, but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, open space, wilderness areas, or similar public land within the township which is under the control, operation, or management of the township, county, or state. (07/09/97)

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

Riding Stable: Any land or structure used for the care and grooming of horses.

Right-of-Way: A strip of land taken or dedicated for use as a public or private way. In addition to the roadway, it normally incorporates the curb, lawn strips, sidewalks, lighting, and drainage facilities and may include special features required by the topography or treatment such as grade separation, landscaping, viaducts, and bridges.

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

School: Any public or private educational facility, including, but not limited to, child day care facilities, nursery schools, pre-schools, kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, colleges, junior colleges, and universities. School includes the school ground, but does not include the facilities used primarily for another purpose and only incidentally as a school. (07/09/97)

Setback Line: A line established by the zoning resolution, generally parallel with and measured from the edge of the road right-of-way for the front yard and from the lot lines for the side and rear yards,

defining the limits of the yard in which no buildings or structures may be located above ground as may be provided in said resolution.

Sexual or Genital Area: Includes the genitalia, pubic area, anus, perineum of any person, and the breasts of a female. (07/09/97)

Sexually Oriented Business: Any of the following: adult arcade, adult bookstore, adult cabaret, adult health club, adult motion picture theater. (07/09/97)

Shadow Flicker: The on-and-off flickering effect of a shadow caused when the sun or other light source passes behind the rotor of a wind turbine. (07/23/09)

Sign: Any words, numerals, figures, devices, designs or trade marks by which anything is made known, such as are used to designate an individual, firm, profession, business, or commodity and which are visible from any public street.

Small Wind Farm: A wind powered electric generating facility, consisting of one (1) or more wind turbines, whose main purpose is to supply electricity with a single interconnection to the electrical grid, and designed for or capable of operating at an aggregate capacity of less than five megawatts. (07/23/09)

Specified Anatomical Areas: Means the male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals. (07/09/97)

Specified Sexual Activities: Includes any of the following: 1) the fondling or other erotic touching of human genital, pubic region, buttock, anus, or female breasts; 2) sex acts, actual or simulated, including intercourse, oral copulation or sodomy; 3) masturbation, actual or simulated; or 4) excretory functions as part of or in connection with any of the activities 1-3 above. (07/09/97)

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

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

Street: A public thoroughfare, thirty (30) feet or more in width. For the purposes of this Resolution, the word "street" shall include the words "road" and "highway".

Street Width: The horizontal distance between the side lines of a street, measured at right angles to the side lines.

Structure: Anything constructed or erected, which requires location on the ground or attached to something having a location on the ground.

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

Tourist Court: A group of attached or detached dwellings containing less than three hundred (300) square feet of floor area for each sleeping or living unit and which are provided for transient guests; including auto courts, motels and motor lodges.

Tourist Home: A building in which board or rooming, or both are offered to the traveling public for compensation, and open to transient guests, in contradistinction to a hotel, boarding or rooming house.

Use: The purpose for which land or a building is arranged, designed or intended, or for which either land or a building is or may be occupied or maintained.

Variances: A variance is a modification of the strict terms of this Resolution 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 and strict enforcement of this Resolution would result in an unnecessary and undue hardship or a practical difficulty. (06/08/06)

Veterinary Animal Hospital or Clinic: A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirmed 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.

Warehouse: A storage building which is used for the storage of goods, wares, food, beverages, merchandise, or other chattels, and includes a building used for the storage of unused new automobiles or aircraft, but does not include a garage or hangar as regulated under Article 2, Section 206, 210, 211, and 212 of the Ohio Basic Building Code.

Windmill, Low Impact Wind Powered Electric Generator: A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics which has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power. (06/08/06)

Windmill, High Impact Wind Powered Electric Generator: A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics which has a rated capacity greater than 100 kW. (06/08/06)

Yard: An open space other than a court on the same lot with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward.

Yard, Front: A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the nearest point of the street right-of-way line and a line parallel thereto on the lot.

Yard, Rear: A yard extending across the full width of the lot between the nearest rear main building and one rear lot line. The depth of the required rear yard shall be measured horizontally from the nearest part of a main building toward the nearest point of the rear lot line.

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

Zoning Certificate: A document issued by the Zoning Inspector authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses. Sometimes called zoning permit.

SECTION 3

"A-1" AGRICULTURAL DISTRICT

The following regulations shall apply in the "A-1" District.

- A. USES PERMITTED: After obtaining a valid Zoning Certificate, in accordance with Section 15-A, the following uses are permitted:
1. Agriculture.
 2. One-family dwellings.
 3. Public schools, elementary and high, and private schools having a curriculum similar to a public school.
 4. Home office. (3/04/03)
 5. Windmill, low impact wind powered electric generator subject to the following conditions:
 - a. The proposed wind powered electric generator/windmill shall be a distance of at least 125% of the height of the total structure to any property line, off-site residence or building, and public or private road right-of-way.
 - b. The maximum tower height shall not exceed one hundred and fifty (150) feet.
 - c. The noise level measured at the closest property line shall not exceed 60 dBA.
 - d. The maximum lighting used for or on the structure is a low intensity red light as defined by the Federal Aviation Administration.
 - e. The wind powered electric generator/windmill shall have a rated capacity of not more than 100 kW.
 - f. The wind powered electric generator/windmill shall service only one property.
 - g. All necessary township and County permits shall be obtained. (06/08/06)
 6. Conditional uses as follows may also be permitted if their location and development are first approved by the Board of Zoning Appeals as provided for in Section 12, paragraph E:
 - a. Airport or aircraft landing field.
 - b. Cemetery, columbarium, crematory or mausoleum.
 - c. Church or other places of worship.
 - d. Development of natural resources, including the extraction of sand, gravel, fill dirt or topsoil.
 - e. Golf course, except driving range or miniature course operated for commercial purposes.
 - f. Governmental buildings and/or premises (Federal, State and Local).
 - g. Hospital, nursing home, or sanitarium for human occupancy and/or treatment.

- h. Nursery or greenhouse.
- i. Public and/or private park, recreation or community center.
- j. Philanthropic institution.
- k. Radio or television station, transmitter, or tower exceeding seventy (70) feet in height including the antenna, shall be surrounded by a square area of open space at least twice the height of the proposed tower with the tower located at the crossing point of the diagonals of the square area.
- l. Riding stables and/or boarding stables as regulated in Section 12.
- m. Commercial activity for temporary periods only.
- n. Sanitary land fill operation.
- o. One (1) two-family unit.
- p. Kennels and/or boarding kennels.
- q. Veterinary or dog or cat hospitals.
- r. Ponds, subject to the conditions listed in 12, H.
- s. Home Occupation: The use of a part of a single-family dwelling or a garage containing 600 square feet or less for pursuits compatible with a domestic household. Examples are listed in the definition of home occupation in Section 2. All of the following conditions must be met:

- 1. No person other than members of the family residing on the premises shall be engaged in such occupation conducted in the dwelling or garage containing 600 square feet or less;
- 2. Permitted activities shall include the making, servicing or repairing of goods, wares, or merchandise or the providing of goods or services for hire or gain.
- 3. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% of the total floor area of the dwelling unit shall be used in the conduct of the home occupation;
- 4. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation other than one (1) sign as permitted in Section 12d of this Resolution;
- 5. No external storage of goods or materials outside of the dwelling or garage shall be permitted;
- 6. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of the home occupation shall be met using off-street parking;
- 7. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot;
- 8. The home occupation shall not create or become a public nuisance; and
- 9. The Board of Zoning Appeals, after due process including at a minimum an investigation by the zoning inspector and a public hearing, shall have the authority to revoke the authorization of the single-family dwelling or garage containing 600 square feet or less as a home occupation if any of the above conditions are violated. (3/04/03)

- t. A small wind farm shall be subject to the following conditions:
1. The aggregate output of electricity that can be generated by the small wind farm shall be less than five (5) megawatts.
 2. A letter shall be submitted from the owner of the electrical grid agreeing to accept the output generated by the small wind farm.
 3. A site plan showing the planned location of each wind powered electric generator, property lines, setback lines, roads (public and private), substations and other accessory buildings required by the small wind farm, a lighting plan, associated transmission lines, the area that will be impacted by shadow flicker, and other pertinent information shall be submitted with the conditional use application.
 4. The small wind farm shall conform to all construction, design safety, electrical standards, and other applicable industry standards. The appropriate warning signs shall be displayed.
 5. All wind powered electric generators part of the small wind farm shall be equipped with a redundant braking system including both aerodynamic over-speed controls and mechanical brakes.
 6. The wind powered electric generators, including the blades, shall be a non-obtrusive color such as white, off-white, silver, or gray and contain no advertising display or message on any of its parts.
 7. The small wind farm and the wind powered electric generators located within it shall not be artificially lighted except to the extent required by the Federal Aviation Administration.
 8. On-site transmission and power lines shall be placed underground to the maximum extent possible.
 9. Access to the wind powered electric generators, electrical equipment, and any accessory structures shall be controlled using appropriate fencing. Climbable access to the generators shall begin no less than fifteen feet off the ground.
 10. A wind powered electric generator shall be setback a distance of not less than 125% of the height of the tower supporting the generator from the nearest off-site residence, public road, and any school, church, or other building used for public gathering. The setback distance shall be measured from the center of the base to the nearest point of the foundation of the structure.
 11. The small wind farm shall be designed and all reasonable efforts shall be made to minimize or eliminate shadow flicker to any occupied building on a non-participating property.
 12. If a non-participating landowner, adjacent to the small wind farm, agrees to waive the setback requirement and shadow flicker established above, such waiver shall be recorded in the Ottawa County Recorder's Office. The waiver shall describe the property benefited and burdened and advise all subsequent purchasers of the burdened property that the setback waiver shall run with the land and may forever burden the subject property.

- 13. The anticipated audible sound from the small wind farm shall be provided to the Board of Zoning Appeals for their review.
- 14. There shall be maintained a general liability insurance policy covering bodily injury and property damage with limits of at least \$1 million per occurrence and \$1 million in the aggregate with certificates of insurance submitted annually to the township.
- 15. The facility owner and operator shall, at its expense, complete the decommissioning of the small wind farm within twelve months of the facility no longer functioning as intended. All equipment and structures shall be removed and the site returned to an appearance similar to the surrounding property.
- 16. The small wind farm conditional use shall be reviewed every three years by the Board of Zoning Appeals to insure all of the requirements established by the approval are being complied with. (07/23/09)

u. Funeral home. (07/23/09)

- 7. Accessory Building, provided it is located as required in Section 12-A.
- 8. Automobile parking space shall be provided as required in Section 12.
- 9. Transitional uses as follows shall be permitted on a lot which abuts upon a "C" or "M" District, provided such transitional use does not extend more than one hundred (100) feet from the boundary of the less restricted district which it adjoins:
 - a. Public parking area when located and developed as required under Section 12-B.

B. HEIGHT LIMIT: No building except those for agriculture purposes shall be erected or enlarged to exceed two and a half (2-1/2) stories or thirty-five (35) feet in height.

C. AREA REQUIREMENTS:

- 1. Lot Area: Every lot shall have a minimum width of one hundred fifty (150) feet exclusive of road right-of-way or highway easements and a minimum area of 30,000 square feet, exclusive of road right-of-ways or highway easements. The minimum lot area per dwelling unit shall be 30,000 square feet; provided that a lot of less area or width which was so recorded at the time of the adoption of this resolution and the owner thereof owns no adjoining land, such lot may be occupied by a one-family dwelling.
- 2. Front Yard: There shall be a front yard of not less than fifty (50) feet in depth from the edge of right-of-way or easement for road or highway.
- 3. Side Yard: There shall be a side yard of not less than ten (10) percent of the width of the lot on each side of a building, but such side yard need not exceed twenty (20) feet.

4. Rear Yard: There shall be a rear yard of not less than twenty-five (25) percent of the depth of the lot, but such rear yard need not exceed twenty-five (25) feet.
- D. DWELLING BULK: Every single-family dwelling unit hereafter erected or structurally altered shall have a minimum floor area of not less than one thousand two hundred (1,200) square feet, exclusive of floor area devoted to basements, utility rooms, attached garages, open or enclosed porches, and the like.

For two-family units hereafter erected or structurally altered, a minimum floor area of six hundred (600) square feet for the first bedroom and one hundred and fifty (150) square feet of floor area for each additional bedroom shall be required. Calculation of floor area shall exclude basements, utility rooms, attached garages, open or enclosed porches, and the like. (07/09/97)

"A-4" RURAL RESIDENTIAL DISTRICT

The following regulations shall apply in the "A-4" District:

- A. USES PERMITTED: After obtaining a valid Zoning Certificate, in accordance with Section 15-A, the following uses are permitted:
1. Agriculture.
 2. One-family dwellings.
 3. Public schools, elementary and high, and private schools having a curriculum similar to a public school.
 4. Home office. (3/04/03)
 5. Windmill, Low Impact Wind Powered Electric Generator subject to the following conditions:
 - a. The proposed wind powered electric generator/windmill shall be a distance of at least 125% of the height of the total structure to any property line, off-site residence or building, and public or private road right-of-way.
 - b. The maximum tower height shall not exceed one hundred and fifty (150) feet.
 - c. The noise level measured at the closest property line shall not exceed 60 dBA.
 - d. The maximum lighting used for or on the structure is a low intensity red light as defined by the Federal Aviation Administration.
 - e. The wind powered electric generator/windmill shall have a rated capacity of not more than 100 kW.
 - f. The wind powered electric generator/windmill shall service only one property.
 - g. All necessary township and County permits shall be obtained. (06/08/06)
 6. Conditional uses as follows may also be permitted if their location and development are first approved by the Board of Zoning Appeals as provided for in Section 12, paragraph E:
 - a. Church or other places of worship.
 - b. Governmental buildings and/or premises (Federal, State, and Local).
 - c. Public and/or private park, recreation or community center.
 - d. Commercial activity for temporary periods only.
 - e. One (1) two-family unit.
 - f. Ponds, subject to the conditions listed in Section 12, H.
 - g. Home Occupation: The use of a part of a single-family dwelling or a garage containing 600 square feet or less for pursuits compatible with a domestic household. Examples are listed in the definition of home occupation in Section 2. All of the following conditions must be met:
 1. No person other than members of the family residing on the premises shall be engaged in such occupation conducted in the dwelling or garage containing 600 square feet or less;
 2. Permitted activities shall include the making, servicing or repairing of goods, wares, or merchandise or the providing of goods or services for hire or gain.

3. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% of the total floor area of the dwelling unit shall be used in the conduct of the home occupation;
 4. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation other than one (1) sign as permitted in Section 12d of this Resolution;
 5. No external storage of goods or materials outside of the dwelling or garage shall be permitted;
 6. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of the home occupation shall be met using off-street parking;
 7. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot;
 8. The home occupation shall not create or become a public nuisance; and
 9. The Board of Zoning Appeals, after due process including at a minimum an investigation by the zoning inspector and a public hearing, shall have the authority to revoke the authorization of the single-family dwelling or garage containing 600 square feet or less as a home occupation if any of the above conditions are violated. (3/04/03)
7. Transitional uses as follows shall be permitted on a lot which abuts upon a "C" or "M" District, provided such transitional use does not extend more than one hundred (100) feet from the boundary of the less restricted district which it adjoins:
 - a. Public parking area when located and developed as required under Section 12-B.
 8. Automobile parking space shall be provided as required in Section 12.
- B. HEIGHT LIMIT: No building shall be erected or enlarged to exceed two and one-half (2-1/2) stories or thirty-five (35) feet. (07/09/97)
- C. AREA REQUIREMENTS:
1. Lot Area: Every lot shall have a minimum average width of one hundred (100) feet, exclusive of road right-of-ways or highway easements, and a minimum area of twenty thousand (20,000) square feet, exclusive of road right-of-ways or highway easements. A lot of less area or width which was so recorded at the time of the adoption of this resolution and the owner thereof owns no adjoining land, may be occupied by a one-family dwelling. Metes and bounds parcels shall have an area for roads in addition to the area requirement for the district. (07/09/97)
 2. Front Yard: There shall be a front yard of not less than fifty (50) feet in depth from the edge of right-of-way or easement for road or highway, provided, however, that where

normal lots comprising forty (40) percent or more of the frontage (excluding reversed corner lots) are developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such developed front yards shall establish the front yard depth for the entire frontage.

3. Side Yard: There shall be a side yard of not less than ten (10) percent of the width of the lot on each side of a building, but the sum of the side yards need not exceed twenty-five (25) feet with a minimum side yard of ten (10) feet on one side with the balance on the remaining side. In the case of lots less than fifty (50) feet wide the width of each side yard shall be not less than five (5) feet.
4. Rear Yard: There shall be a rear yard of not less than twenty-five (25) percent of the depth of the lot, but such rear yard need not exceed twenty-five (25) feet.

- D. DWELLING BULK: Every single-family dwelling unit hereafter erected or structurally altered shall have a minimum floor area of not less than one thousand two hundred (1,200) square feet, exclusive of floor area devoted to basements, utility rooms, attached garages, open or enclosed porches, and the like.

For two-family units hereafter erected or structurally altered, a minimum floor area of six hundred (600) square feet for the first bedroom and one hundred and fifty (150) square feet of floor area for each additional bedroom shall be required. Calculation of floor area shall exclude basements, utility rooms, attached garages, open or enclosed porches, and the like. (07/09/97)

SECTION 5

"R-A" SUBURBAN RESIDENTIAL DISTRICT

The following regulations shall apply in the "R-A" District:

- A. USES PERMITTED: After obtaining a valid Zoning Certificate, in accordance with Section 15-A the following uses are permitted:
1. Agriculture.
 2. One-family dwellings.
 3. Public schools, elementary and high, and private schools

- having a curriculum similar to a public school.
4. Home office. (3/04/03)
 5. Conditional uses as follows may also be permitted if their location and development are first approved by the Board of Zoning Appeals as provided for in Section 12, Paragraph E:
 - a. Church or other places of worship.
 - b. Governmental buildings and/or premises (Federal, State, & Local).
 - c. Public and/or private park, recreation or community center.
 - d. Commercial activity for temporary periods only.
 - e. One (1) two-family unit.
 - f. Ponds, subject to the conditions listed in Section 12, H.
 - g. Home Occupation: The use of a part of a single-family dwelling or a garage containing 600 square feet or less for pursuits compatible with a domestic household. Examples are listed in the definition of home occupation in Section 2. All of the following conditions must be met:
 1. No person other than members of the family residing on the premises shall be engaged in such occupation conducted in the dwelling or garage containing 600 square feet or less;
 2. Permitted activities shall include the making, servicing or repairing of goods, wares, or merchandise or the providing of goods or services for hire or gain.
 3. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% of the total floor area of the dwelling unit shall be used in the conduct of the home occupation;
 4. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation other than one (1) sign as permitted in Section 12d of this Resolution;
 5. No external storage of goods or materials outside of the dwelling or garage shall be permitted;
 6. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of the home occupation shall be met using off-street parking;
 7. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot;
 8. The home occupation shall not create or become a public nuisance; and
 9. The Board of Zoning Appeals, after due process including at a minimum an investigation by the zoning inspector and a public hearing, shall have the authority to revoke the authorization of the single-family dwelling or garage containing 600 square feet or less as a home occupation if any of the above conditions are violated. (3/04/03)
 6. Transitional uses as follows shall be permitted on a lot which abuts upon a "C" or "M" District, provided such transitional use does not extend more than one hundred (100)

feet from the boundary of the less restricted district which it adjoins:

- a. Multiple family dwellings with a minimum lot area per dwelling unit of eight thousand (8,000) square feet. (07/09/97)
- b. Public parking area when located and developed as required in Section 12-B.

7. Automobile parking space shall be provided as required in Section 12.

B. HEIGHT LIMIT: No building shall be erected or enlarged to exceed two and one-half (2-1/2) stories or thirty-five (35) feet. (07/09/97)

C. AREA REQUIREMENTS:

1. Lot Area: Every lot shall have a minimum average width of eighty-five (85) feet and a minimum area of sixteen thousand (16,000) square feet. A lot of less area or width which was so recorded at the time of the adoption of this Resolution and the owner thereof owns no adjoining land, may be occupied by a one-family dwelling. Metes and bounds parcels shall have an area for roads in addition to the area requirement for the district. (07/09/97)

2. Front Yard: There shall be a front yard of not less than fifty (50) feet in depth from the edge of right-of-way or easement for road or highway, provided, however, that where normal lots comprising forty (40%) percent or more of the frontage (excluding reversed corner lots) are developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such developed front yards shall establish the front yard depth for the entire frontage.

3. Side Yard: There shall be a side yard of not less than ten (10%) percent of the width of the lot on each side of a building, but the sum of the side yards need not exceed twenty-five (25) feet with a minimum side of ten (10) feet on one side with the balance on the remaining side. In the case of lots less than fifty (50) feet wide, the width of each side yard shall be not less than five (5) feet.

4. Rear Yard: There shall be a rear yard of not less than twenty-five (25%) percent of the depth of the lot, but such rear yard need not exceed twenty-five (25) feet.

D. DWELLING BULK: Every single-family dwelling unit hereafter erected or structurally altered shall have a minimum floor area of not less than one thousand two hundred (1,200) square feet, exclusive of floor area devoted to basements, utility rooms, attached garages, open or enclosed porches, and the like.

For two-family units hereafter erected or structurally altered, a minimum floor area of six hundred (600) square feet for the first bedroom and one hundred and fifty (150) square feet of floor area for each additional bedroom shall be required. Calculation of floor area shall exclude basements, utility rooms, attached garages, open or enclosed porches, and the like. (07/09/97)

SECTION 6

"R-1" ONE-FAMILY DWELLING DISTRICT

The following regulations shall apply in the "R-1" District:

- A. USES PERMITTED: After obtaining a valid Zoning Certificate in accordance with Section 15-A, the following uses are permitted:
1. Agriculture.
 2. One-family dwellings.
 3. Public schools, elementary and high, and private schools having a curriculum similar to a public school.
 4. Home office. (3/04/03)
 5. Conditional uses as follows may also be permitted if their location and development are first approved by the Board of Zoning Appeals as provided for in Section 12, Paragraph E:
 - a. Church or other places of worship.
 - b. Governmental buildings and/or premises (Federal, State, & Local).
 - c. Public and/or private park, recreation or community center.
 - d. Commercial activity for temporary periods only.

- e. One (1) two-family unit.
 - f. Ponds, subject to the conditions listed in Section 12, H.
 - g. Home Occupation: The use of a part of a single-family dwelling or a garage containing 600 square feet or less for pursuits compatible with a domestic household. Examples are listed in the definition of home occupation in Section 2. All of the following conditions must be met:
 - 1. No person other than members of the family residing on the premises shall be engaged in such occupation conducted in the dwelling or garage containing 600 square feet or less;
 - 2. Permitted activities shall include the making, servicing or repairing of goods, wares, or merchandise or the providing of goods or services for hire or gain.
 - 3. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% of the total floor area of the dwelling unit shall be used in the conduct of the home occupation;
 - 4. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation other than one (1) sign as permitted in Section 12d of this Resolution;
 - 5. No external storage of goods or materials outside of the dwelling or garage shall be permitted;
 - 6. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of the home occupation shall be met using off-street parking;
 - 7. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot;
 - 8. The home occupation shall not create or become a public nuisance; and
 - 9. The Board of Zoning Appeals, after due process including at a minimum an investigation by the zoning inspector and a public hearing, shall have the authority to revoke the authorization of the single-family dwelling or garage containing 600 square feet or less as a home occupation if any of the above conditions are violated. (3/04/03)
- 6. Transitional uses as follows shall be permitted on a lot which abuts upon a "C" or "M" District, provided, such transitional use does not extend more than one hundred (100) feet from the boundary of the less restricted district which it adjoins:
 - a. Multiple family dwellings with a minimum lot area per dwelling unit of eight thousand (8,000) square feet. (07/09/97)
 - b. Public parking area when located and developed as required in Section 12-B.
 - 7. Automobile parking space shall be provided as required in Section 12.

- B. HEIGHT LIMIT: No building shall be erected or enlarged to exceed two and one-half (2-1/2) stories or thirty-five (35) feet. (07/09/97)
- C. AREA REQUIREMENTS:
1. Lot Area: Every lot shall have a minimum average width of seventy-five (75) feet and a minimum area of twelve thousand (12,000) square feet. A lot of less area or width which was so recorded at the time of the adoption of this Resolution, and the owner thereof owns no adjoining land, may be occupied by a one-family dwelling. Metes and bounds parcels shall have an area for roads in addition to the area requirement for the District. (07/09/97)
 2. Front Yard: There shall be a front yard of not less than fifty (50) feet in depth from the edge of right-of-way or easement for road or highway, provided, however, in platted areas and/or subdivision on dead-end streets, non-through streets and the like there shall be a front yard of not less than thirty-five (35) feet in depth from the edge of right-of-way or easement for street, road, or highway.
 3. Side Yard: There shall be a side yard of not less than ten (10%) percent of the width of the lot on each side of a building, but such side yard need not exceed ten (10) feet. In the case of lots less than fifty (50) feet wide, the width of each side yard shall not be less than five (5) feet.
 4. Rear Yard: There shall be a rear yard of not less than twenty-five (25%) percent of the depth of the lot, but such rear yard need not exceed twenty-five (25) feet.
- D. DWELLING BULK: Every single-family dwelling unit hereafter erected or structurally altered shall have a minimum floor area of not less than one thousand two hundred (1,200) square feet, exclusive of floor area devoted to basements, utility rooms, attached garages, open or enclosed porches, and the like.

For two-family units hereafter erected or structurally altered, a minimum floor area of six hundred (600) square feet for the first bedroom and one hundred and fifty (150) square feet of floor area for each additional bedroom shall be required. Calculation of floor area shall exclude basements, utility rooms, attached garages, open or enclosed porches, and the like. (07/09/97)

SECTION 7

"R-3" MULTIPLE-FAMILY DWELLING DISTRICT

The following regulations shall apply in the "R-3" District"

- A. USES PERMITTED: After obtaining a valid Zoning Certificate, in accordance with Section 15-A, the following uses are permitted:
1. Agriculture.
 2. One-family dwellings.
 3. Public schools, elementary and high, and private schools having a curriculum similar to a public school.
 4. Multiple family dwellings.
 5. Home office. (3/04/03)
 6. Conditional uses as follows may also be permitted if their location and development are first approved by the Board of Zoning Appeals as provided for in Section 12, Paragraph E:
 - a. Church or other places of worship.
 - b. Governmental buildings and/or premises (Federal, State, & Local).
 - c. Public and/or private park, recreation or community center.
 - d. Commercial activity for temporary periods only.
 - e. One (1) two-family unit.
 - f. Ponds, subject to the conditions listed in Section 12, H.
 - g. Home Occupation: The use of a part of a single-family dwelling or a garage containing 600 square feet or less for pursuits compatible with a domestic household. Examples are listed in the definition of home occupation in Section 2. All of the following conditions must be met:
 1. No person other than members of the family residing

on the premises shall be engaged in such occupation conducted in the dwelling or garage containing 600 square feet or less;

2. Permitted activities shall include the making, servicing or repairing of goods, wares, or merchandise or the providing of goods or services for hire or gain.
 3. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% of the total floor area of the dwelling unit shall be used in the conduct of the home occupation;
 4. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation other than one (1) sign as permitted in Section 12d of this Resolution;
 5. No external storage of goods or materials outside of the dwelling or garage shall be permitted;
 6. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of the home occupation shall be met using off-street parking;
 7. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot;
 8. The home occupation shall not create or become a public nuisance; and
 9. The Board of Zoning Appeals, after due process including at a minimum an investigation by the zoning inspector and a public hearing, shall have the authority to revoke the authorization of the single-family dwelling or garage containing 600 square feet or less as a home occupation if any of the above conditions are violated. (3/04/03)
7. Transitional uses as follows shall be permitted on a lot which abuts upon a "C" or "M" District, provided such transitional use does not extend more than one hundred (100) feet from the boundary of the less restricted district which it adjoins:
- a. Multiple family dwellings with a minimum lot area per dwelling unit of four thousand (4,000) square feet and conforming to Section 12-B.
8. Automobile parking space shall be provided as required in Section 12.
- B. HEIGHT LIMIT: No building shall be erected or enlarged to exceed two and one-half (2-1/2) stories or thirty-five (35) feet. (07/09/97)
- C. AREA REQUIREMENTS:
1. Lot Area: Every lot shall have a minimum average width of seventy-five (75) feet and a minimum area of eight thousand (8,000) square feet. The minimum lot area per dwelling unit shall be four thousand (4,000) square feet. A lot of less area or width which was recorded at the time of the adoption of this Resolution, and the owner thereof owns no adjoining

land, may be occupied by any use permitted in this Section, provided the lot area per dwelling unit is complied with. Metes and bounds parcels shall have an area for roads in addition to the area requirement for the District.
(07/09/97)

2. Front Yard: There shall be a front yard of not less than fifty (50) feet in depth from the edge of legal highway or easements for road or highway.
 3. Side Yard: There shall be a side yard of not less than ten (10%) percent of the width of the lot on each side of a building, but such side yard need not exceed ten (10) feet. In the case of lots less than fifty (50) feet wide, the width of each side yard shall be not less than five (5) feet.
 4. Rear Yard: There shall be a rear yard of not less than twenty-five (25%) percent of the depth of the lot, but such rear yard need not exceed twenty-five (25) feet.
- D. DWELLING BULK: Every single-family dwelling unit hereafter erected or structurally altered shall have a minimum floor area of not less than one thousand two hundred (1,200) square feet. Every two-family or multi-family dwelling unit hereafter erected or structurally altered shall have a minimum floor area of six hundred (600) square feet for the first bedroom and one hundred and fifty (150) square feet of floor area for each additional bedroom.

Calculation of floor area shall exclude basements, utility rooms, attached garages, open or enclosed porches, and the like.
(07/09/97)

SECTION 7A

"R-5" CLUSTER HOUSING RETIREMENT COMMUNITY

The following regulations shall apply in the "R-5" District":

An application for a Zoning Permit must be filed with the Allen Township Zoning Inspector, including a plan for the proposed community and a fee established by the Board of Township Trustees.

- A. USES PERMITTED: After obtaining a valid Zoning Permit, in accordance with Section 15-A, the following uses are permitted:
1. Agriculture.
 2. "Cluster Housing Retirement Community".
 3. Accessory Buildings as provided for in Section 12, A.
 4. Conditional uses as follows may also be permitted if their location and development are first approved by the Board of Zoning Appeals as provided for in Section 12, Paragraph E:
 - a. Public and/or private recreation or community center.
 - b. Ponds, subject to conditions listed in Section 12, H.
- B. DEFINITIONS: A "Cluster Housing Retirement Community" shall be defined as a parcel of land developed with one-family dwellings and/or two-family dwellings located on separate building lots where flexible spacing of lots and buildings are permitted in order to encourage:
1. The creation of functional and interesting residential areas.
 2. The provision of readily accessible recreation areas and open space.
 3. The conservation of the natural amenities of the landscape.
- "Retirement" shall be defined as: at least 50 years of age and retired from full time work. Each unit within the "Cluster Housing Retirement Community" must be occupied by at least one individual meeting the retirement definition. (07/09/97)
- C. PARCEL SIZE: In order to qualify for a "Cluster Housing Retirement Community" the parcel must contain a minimum of five (5) gross acres.
- D. SETBACKS: There shall be a minimum of twenty-five (25) feet from the property boundary line of the "Cluster Housing Retirement Community" property to any building. Each building shall have a

- minimum setback of twenty-five (25) feet from a proposed public right-of-way, and thirty-five (35) feet from existing public right-of-way. Buildings within the "Cluster" shall be separated from each other by a minimum distance of twenty (20) feet. All measurements shall be from the nearest point of one building to the nearest point of the adjacent building or line.
- E. PARKING REQUIREMENTS: Each dwelling shall have a minimum of two off street parking spaces.
- F. DENSITY: The maximum number of dwelling units for the complete development shall be not more than six (6) per acre.
- G. LOT COVERAGE: Total area coverage of all buildings (including dwelling units and related service buildings) shall not exceed thirty-five (35) percent of the total area of the site.
- H. DWELLING SIZE: The "Cluster Housing Retirement Community" may be developed using one-family and two-family dwellings or a combination thereof. No dwelling unit shall have a livable floor area totaling less than 1,100 square feet and all buildings shall be one story. Maximum building height shall be thirty-five (35) feet.
- I. PRELIMINARY SITE DEVELOPMENT PLAN: The applicant shall submit a preliminary site development plan for approval by the Zoning Inspector. This plan shall include the following information: (07/09/97)
1. Name of the development, and the name, address, and telephone number of the owner, the project engineer, the developer, and other individuals assisting in the preparation of the site plans, date, North point, and scale.
 2. Verification of the zoning classification of the site and other surrounding properties.
 3. Location and use of all proposed buildings, including setback lines and yard areas.
 4. Statement of the average net residential density and the number of dwelling units to be contained in the total tract, and, where applicable, in each stage thereof.
 5. Proposed general grading and/or other methods to be used for adequate drainage control.
 6. Location of all public and private streets, roads, or highways.
 7. Proposed sanitary sewers, storm sewers and central water utilities, showing their connections with the existing system.
 8. Contour lines sufficient to define the topography of the site.
 9. The dimensions and bearings of the property lines, site acreage and legal description of the property.
 10. A vicinity map showing the location of the property in relation to existing streets and roadways.
- J. PRELIMINARY BUILDING PLANS: Preliminary building plans showing elevations for typical buildings to be constructed in the "Cluster Housing Retirement Community".
- K. FINAL SITE DEVELOPMENT PLANS: After the preliminary site plans have been approved, the final site development plans may be submitted for approval. The final site development plans shall be prepared and sealed by a professional engineer registered in the State of Ohio. The final site development plans shall contain the following:

1. All of the items required on the preliminary site plans and all additional criteria, amendments, and revisions required by the Zoning Inspector drafted in the form of construction drawings. Construction drawings for site improvements shall include detailed sanitary sewer, waterline, storm drainage and roadway plans, and a site grading plan.
 2. A staged development plan if applicable.
- L. STAGED DEVELOPMENT: Developments larger than five (5) gross acres may be constructed in stages. A stage shall be at least three (3) gross acres in size. Each stage shall be submitted for approval and shall contain all the requirements listed herein.
- M. AMENDMENTS: Amendments to the final plans may be sought by the applicant in accordance with the procedures required for the original approval subject to the same limitations and requirements as those under which final plans were originally approved.
- N. TIME LIMITATIONS: Approval by the Zoning Inspector shall expire after a period of two (2) years from the date of approval of the final plans, for the entire site or any particular stage, whichever is applicable, unless the development or stage is fifty (50%) percent completed in terms of the improvements including streets, sanitary sewers, storm sewers, electric, and gas, in which latter instance an extension of time may be granted by the Zoning Inspector not to exceed two (2) successive periods of two (2) years each.
- O. FENCING: If the "Cluster Housing Retirement Community" adjoins property zoned "Commercial" or "Industrial" the applicant must provide a minimum six (6) feet fence between the development and the adjoining property. If the development adjoins property zoned "Commercial" this requirement may be waived if agreed by both property owners involved.
- P. Approval by the Allen Township Zoning Inspector for a "Cluster Housing Retirement Community" has no impact upon Ottawa County's review of the proposed development. The requirements of the Ottawa County Subdivision Regulations shall be met, if appropriate. Prior to finalizing any permitted use action, this review and approval by Ottawa Regional Planning must be obtained.

SECTION 8

"C-1" LIMITED COMMERCIAL DISTRICT

The following regulations shall apply in the "C-1" District"

- A. USES PERMITTED: After obtaining a valid Zoning Certificate, in accordance with Section 15-A, the following uses are permitted:
1. Agriculture.
 2. One-family dwellings.
 3. Public schools, elementary and high, and private schools having a curriculum similar to a public school.
 4. Retail stores and retail businesses serving limited local area needs not involving any fabrication or processing of products sold.
 5. Art, picture or photography shop with no more than five (5) employees.
 6. Automobile service station, provided (a) that any tube and tire repairing, battery charging, and storage of merchandise and supplies are conducted wholly within a building, and (b) that any lubrication or washing, not conducted wholly within a building shall be permitted only if a masonry wall or screening of planting six (6) feet in height is erected and maintained between such uses and any adjoining "A" or "R" District.
 7. Bakery, retail only, no more than five (5) bake shop employees.
 8. Bank.
 9. Barber or beauty shop.
 10. Dressmaker or tailor, no more than five (5) employees.
 11. Florist, retail only, no growing.
 12. Ice package dispensing outlet.
 13. Interior decorator.
 14. Medical or dental clinics and laboratories.
 15. Music conservatory or music instruction.
 16. News stand.
 17. Offices, business or professional.
 18. Public parking area, when located and developed as required in Section 12-B.
 19. Shoe repair shop.
 20. Studio of art, photography, dance, music, etc.
 21. Home office. (3/04/03)
 22. Conditional uses as follows may also be permitted if their location and development are first approved by the Board of Zoning Appeals as provided in Section 12, Paragraph E:
 - a. Church or other places of worship.
 - b. Governmental buildings and/or premises (Federal, State, & Local).
 - c. Public and/or private park, recreation or community center.
 - d. Commercial activity for temporary periods only.
 - e. One (1) two-family unit.
 - f. Ponds, subject to the conditions listed in Section 12, H.
 - g. Home Occupation: The use of a part of a single-family dwelling or a garage containing 600 square feet or less for pursuits compatible with a domestic household. Examples are listed in the definition of home occupation

in Section 2. All of the following conditions must be met:

1. No person other than members of the family residing on the premises shall be engaged in such occupation conducted in the dwelling or garage containing 600 square feet or less;
 2. Permitted activities shall include the making, servicing or repairing of goods, wares, or merchandise or the providing of goods or services for hire or gain.
 3. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% of the total floor area of the dwelling unit shall be used in the conduct of the home occupation;
 4. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation other than one (1) sign as permitted in Section 12d of this Resolution;
 5. No external storage of goods or materials outside of the dwelling or garage shall be permitted;
 6. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of the home occupation shall be met using off-street parking;
 7. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot;
 8. The home occupation shall not create or become a public nuisance; and
 9. The Board of Zoning Appeals, after due process including at a minimum an investigation by the zoning inspector and a public hearing, shall have the authority to revoke the authorization of the single-family dwelling or garage containing 600 square feet or less as a home occupation if any of the above conditions are violated. (3/04/03)
- h. Laundry or dry cleaning processing plants in conjunction with a retail service outlet; no more than five (5) employees.
- i. Lodge, fraternal organizations.
- j. Windmill, Low Impact Wind Powered Electric Generator subject to the following conditions:
1. The proposed wind powered electric generator/windmill shall be a distance of at least 125% of the height of the total structure to any property line, off-site residence or building, and public or private road right-of-way.
 2. The maximum tower height shall not exceed one hundred and fifty (150) feet.
 3. The noise level measured at the closest property line shall not exceed 60 dBA.
 4. The maximum lighting used for or on the structure is a low intensity red light as defined by the Federal Aviation Administration.
 5. The wind powered electric generator/windmill shall have a rated capacity of not more than 100 kW.
 6. The wind powered electric generator/windmill shall

service only one property.

7. All necessary township and County permits shall be obtained. (06/08/06)

j. Mortuary or funeral home.

24. Accessory buildings when located on the same lot as required in Section 12-A.

25. Automobile parking space and loading space shall be provided as required in Section 12-B.

B. HEIGHT LIMIT: No building shall be erected or enlarged to exceed two and one-half (2 1/2) stories or thirty-five (35) feet. (07/09/97)

C. AREA REQUIREMENTS:

1. Lot Area: Buildings used exclusively for dwelling purposes or used partly for dwellings and partly for commercial purposes shall comply with the lot area requirements of the "R-3" District.

Buildings used exclusively for commercial purposes shall have a minimum lot width of eighty (80) feet and a minimum lot area of ten thousand (10,000) square feet. (07/09/97)

2. Front Yard: There shall be a front yard of not less than fifty (50) feet in depth from the edge of the legal highway or easement for road or highway. A corner lot shall provide the fifty (50) foot setback on one street and twenty-five (25) feet on the other street. (07/09/97)

3. Side Yard: There shall be a side yard of ten (10) feet unless the lot abuts an "A" or "R" District in which case the side yard shall be increased to 20 feet. (07/09/97)

4. Rear Yard: There shall be a rear yard of not less than ten (10) feet.

D. COURTS:

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

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

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

- E. DWELLING BULK: Every one bedroom dwelling unit hereafter erected or structurally altered shall have a minimum floor area of six hundred (600) square feet and each additional bedroom unit shall have an additional one hundred and fifty (150) square feet floor area exclusive of floor area devoted to basement, utility room, garages, open or enclosed porches, and their use.

SECTION 9

"C-2" GENERAL COMMERCIAL DISTRICT

The following regulations shall apply in the "C-2" District:

- A. USES PERMITTED: After obtaining a valid Zoning Certificate, in accordance with Section 15-A, the following uses are permitted:
1. Agriculture.
 2. One-family dwellings.

3. Public schools, elementary and high, and private schools having a curriculum similar to a public school.
4. Retail stores and retail businesses serving limited local area needs not involving any fabrication or processing of products sold.
5. Art, picture or photography shop with no more than five (5) employees.
6. Automobile service station, provided (a) that any tube and tire repairing, battery charging, and storage of merchandise and supplies are conducted wholly within a building, and (b) that any lubrication or washing, not conducted wholly within a building shall be permitted only if a masonry wall or screening of planting six (6) feet in height is erected and maintained between such uses and any adjoining "A" or "R" District.
7. Baker, retail only, no more than five (5) bake shop employees.
8. Bank.
9. Barber or beauty shop.
10. Dressmaker or tailor; no more than five (5) employees.
11. Florist, retail only, no growing.
12. Ice package dispensing outlet.
13. Interior decorator.
14. Medical or dental clinics and laboratories.
15. Music conservatory or music instruction.
16. News stand.
17. Offices, business or professional.
18. Public parking area, when located and developed as required in Section 12-B.
19. Shoe repair shop.
20. Studios of art, photography, dance, music, etc.
21. Retail stores and businesses.
22. Advertising signs or structures.
23. Amusement enterprises, including a billiard or pool hall, bowling alley, boxing arena, dance hall, games of skill and science, penny arcade, shooting gallery, and the like, if conducted wholly within a completely enclosed building.
24. Automobile, recreation vehicle, utility trailer, and yard & farm implement sales area. (07/09/97)
25. Baths, turkish and the like.
26. Building materials retail sale if within completely enclosed building.
27. Carpenter or cabinet shop, if conducted wholly with a completely enclosed building.
28. Catering establishment.
29. Cleaning establishment, using non-explosive and non-inflammable cleaning fluid and not more than two (2) forty pound (40 lb.) units.
30. Frozen food lockers, excluding wholesale storage.
31. Funeral home or mortuary.
32. Hotel.
33. Ice storage house, not more than five (5) tons capacity.
34. Laundry or dry cleaning shop employing no more than five (5) persons and using non-explosive, non-inflammable fluids.
35. Lodge or fraternal organization.
36. Parking garages.
37. Pet shop, if within a completely enclosed building.
38. Printing, lithographing or publishing.
39. Restaurants.
40. Shops, hobby, bicycle, plastics, upholstery, sign painting, cabinet, plumbing, and the like if conducted wholly within a completely enclosed building and not involving manufacturing.
41. Second-hand store, if conducted wholly within a completely enclosed building and not involving manufacturing.

- 42. Storage or parking garage.
- 43. Taverns.
- 44. Theaters.
- 45. Trade or commercial school.
- 46. Wholesale business, no processing, fabrication or assembling.
- 47. Home office. (3/04/03)
- 48. Mini-storage buildings subject to the following conditions:
 - a. The parcel must contain a minimum of one (1) acre of land and have frontage on a public highway.
 - b. The maximum lot coverage by buildings shall not exceed sixty (60) percent.
 - c. The land area providing access to the mini-storage building and individual units shall be stoned or paved and have adequate drainage.
 - d. Any lighting used on the site shall be directed away from the adjoining properties.
 - e. If adjacent to a residential structure, the side yard setback shall be increased to fifty (50) feet with a screen, planting, or solid fence erected on or near the lot line, prior to the construction of the mini-storage building.
 - f. The mini-storage building and units shall not be used for the storage of flammable, hazardous, or chemical materials, potentially dangerous to the general public.
 - g. No outside storage of any type shall be permitted. (06/08/06)
- 49. Conditional uses as follows may also be permitted if their location and development are first approved by the Board of Zoning Appeals as provided for in Section 12, Paragraph E:
 - a. Church or other places of worship.
 - b. Governmental buildings and/or premises (Federal, State, & Local).
 - c. Public and/or private park, recreation or community center.
 - d. Commercial activity for temporary periods only.
 - e. One (1) two-family unit.
 - f. Ponds, subject to the conditions listed in Section 12, H.
 - g. Home Occupation: The use of a part of a single-family dwelling or a garage containing 600 square feet or less for pursuits compatible with a domestic household. Examples are listed in the definition of home occupation in Section 2. All of the following conditions must be met:
 - 1. No person other than members of the family residing on the premises shall be engaged in such occupation conducted in the dwelling or garage containing 600 square feet or less;
 - 2. Permitted activities shall include the making, servicing or repairing of goods, wares, or merchandise or the providing of goods or services for hire or gain.
 - 3. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% of the total floor area of the dwelling unit shall be used in the conduct of the home occupation;
 - 4. There shall be no change in the outside appearance of the building or premises or other visible

- evidence of the conduct of such home occupation other than one (1) sign as permitted in Section 12d of this Resolution;
5. No external storage of goods or materials outside of the dwelling or garage shall be permitted;
 6. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of the home occupation shall be met using off-street parking;
 7. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot;
 8. The home occupation shall not create or become a public nuisance; and
 9. The Board of Zoning Appeals, after due process including at a minimum an investigation by the zoning inspector and a public hearing, shall have the authority to revoke the authorization of the single-family dwelling or garage containing 600 square feet or less as a home occupation if any of the above conditions are violated. (3/04/03)
- h. Laundry or dry cleaning processing plants in conjunction with a retail service outlet; no more than five (5) employees.
- h. Lodge, fraternal organizations.
- i. Windmill, Low Impact Wind Powered Electric Generator subject to the following conditions:
1. The proposed wind powered electric generator/windmill shall be a distance of at least 125% of the height of the total structure to any property line, off-site residence or building, and public or private road right-of-way.
 2. The maximum tower height shall not exceed one hundred and fifty (150) feet.
 3. The noise level measured at the closest property line shall not exceed 60 dBA.
 4. The maximum lighting used for or on the structure is a low intensity red light as defined by the Federal Aviation Administration.
 5. The wind powered electric generator/windmill shall have a rated capacity of not more than 100 kW.
 6. The wind powered electric generator/windmill shall service only one property.
 7. All necessary township and County permits shall be obtained. (06/08/06)
- j. Amusement enterprises not contained within a completely enclosed building.
- k. Animal hospital.
- l. Auditorium, arena, stadium and the like.
- m. Automobile and trailer sales area, provided (a) that such area is located and developed as required in Section 12-B and (b) that any incidental repair of automobile or trailers shall be conducted and confined wholly within a building.
- n. Building materials storage yard.
- o. Drive-in restaurants, refreshment stands, and the like, where customers are served in automobiles.
- p. Adult Sexually Oriented Business subject to the following conditions: (07/09/97)

1. This requirement establishes reasonable and uniform regulations to prevent any deleterious location and concentration of adult sexually oriented businesses within the township. This requirement has neither the purpose or effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this requirement to restrict or deny access by adults to sexually oriented materials protected by the First Amendment or to deny access by the distributors or exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this requirement to condone or legitimize the distribution of obscene materials.
2. Such uses shall be permitted subject to the following conditions as well as those addressed in Section 6 herein.
 - a. The applicant shall file in writing a report containing the following information:
 1. The address where the adult sexually oriented business is operated or is to be operated.
 2. The status of the applicant as an individual, partnership, or limited partnership, domestic or foreign corporation, or other entity; the full name, residence address, date of birth, and social security number of the applicant or the person applying on behalf of a partnership, corporation or other entity. If the applicant is a partnership or limited partnership, the name of the partnership, the status of the partnership as a general or limited partnership; the state or other jurisdiction under which it is organized; the address of its principal office in Ohio; its federal identification number; the name and address, date of birth, and social security number of each partner; and the status of each partner as a general or limited partner. If the applicant is a corporation, the name of the corporation; the state or other jurisdiction under which it is organized; the address of its principal office; the address of its principal office in Ohio; its federal identification number; the name and address of its statutory agent in Ohio; and the full name, residence address, date of birth, and social security number of each stockholder holding more than two (2) percent of the applicant's stock. If any shareholder is a corporation or a general or limited partnership, the same information shall be included for such shareholder as is required for an applicant that is a corporation or general or limited partnership.
 3. The application must contain the address where the adult sexually oriented business is to be located and shall be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or

diagram need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.

4. Applicants for a permit under this section shall have a continuing duty to promptly supplement application information required by this section in the event that said information changes in any way from what is stated on the application. The failure to comply with said continuing duty within thirty (30) days from the date of such change, by supplementing the application on file with the township, shall be grounds for revocation or non-renewal of a permit.
5. Any other information determined by the Board to be necessary.
3. Adult sexually oriented business uses shall be located at least one thousand five hundred (1,500) feet from any church, child day care center, library, public park, public or private school, social service facility, neighborhood center, or amusement arcade.
4. Adult sexually oriented business uses shall be located at least one thousand five hundred (1,500) feet from any boundary of any residential district in the township or in an abutting local unit of government.
5. Adult sexually oriented business uses shall be located at least one thousand five hundred (1,500) feet from any other adult entertainment uses.
6. Adult sexually oriented business uses shall be located at least one thousand five hundred (1,500) feet from a bar, tavern, or other business serving or selling liquor, beer, wine, or other alcoholic beverages.
- C. A permit or license issued under this section to an adult sexually oriented business shall expire one (1) year after the date of issuance. An application for a renewal permit shall be filed not later than forty-five (45) days of the expiration of the permit. An application for renewal shall be acted upon within thirty (30) days of receipt of the application. The information contained with the initial application for a permit and supplementary information required by Item B.1.d. above shall be used to determine whether or not to renew a permit. Each permit for an adult sexually oriented business shall contain the name of the applicant, the address of the adult sexually oriented business and the expiration of the permit. (07/09/97)
50. Accessory buildings and uses customarily incidental to any of the above uses when located on the same lot, provided that:
 - a. There shall be no manufacture, compounding, processing or treatment of products other than that which is clearly incidental and essential to a retail store or business and where all such products are sold at retail on the premises, and
 - b. There shall not be more than five (5) persons engaged in the manufacture, compounding, processing or treatment of

products, or in catering, cleaning, laundering, and the like, and

- c. Such uses, operations or products if not objectionable due to odor, dust, smoke, noise, vibration or other similar causes.

51. Automobile parking space and loading space shall be provided as required in Section 12-B.

B. HEIGHT LIMIT: No building shall be erected or enlarged to exceed two and one-half (2 1/2) stories or thirty-five (35) feet. (07/09/97)

C. AREA REQUIREMENTS:

1. Lot Area: Buildings used exclusively for dwelling purposes or used partly for dwellings and partly for commercial purposes shall comply with the lot area requirements of the "R-3" District.

Buildings used exclusively for commercial purposes shall have a minimum lot width of one hundred (100) feet and a minimum lot area of twenty thousand (20,000) square feet. (07/09/97)

2. Front Yard: There shall be a front yard of not less than seventy (70) feet in depth from the edge of the legal highway or easement for road or highway. A corner lot shall provide the fifty (50) foot setback on one street and twenty-five (25) feet on the other street. (07/09/97)
3. Side Yard: There shall be a side yard of ten (10) feet unless the lot abuts an "A" or "R" District in which case the side yard shall be increased to 20 feet. (07/09/97)
4. Rear yard: There shall be a rear yard of not less than ten (10) feet.

D. COURTS:

1. Outer Courts: An outer court with window openings shall have width not less than two-thirds (2/3) of the height of the building above the floor level of the lowest story containing such openings, but in no case less than fifteen (15) feet. Outer courts need not be more than twenty (20) feet wide when their depth does not exceed thirteen (13) feet. The depth of an outer court shall not be greater than two (2) times its width. In the case of irregular courts, the required minimum width of the court may be deemed to be the average width. In the case of courts, the sides of which are formed by wings of unequal height, the average of such heights shall be used to determine the required width of the court.
2. Inner Courts: The least dimension of an inner court with window openings shall be not less than two-thirds (2/3) of the average height of the building above the floor level of the lowest story containing such openings.

E. DWELLING BULK: Every one bedroom dwelling unit hereafter erected or structurally altered shall have a minimum floor area of six hundred (600) square feet and each additional bedroom unit shall have an additional one hundred and fifty (150) square feet floor area exclusive of floor area devoted to basement, utility rooms, garages, open or enclosed porches, and their use.

SECTION 10

"M-1" LIMITED INDUSTRIAL DISTRICT (07/09/97)

The following regulations shall apply in the "M-1" District"

A. USES PERMITTED: After obtaining a valid Zoning Certificate, in accordance with Section 15-A the following uses are permitted:

1. Agriculture.
2. Offices, business or professional.
3. Advertising signs or structures.
4. Building material sales yard, including the sale of rock, sand, gravel, and the like.
5. Carpenter or cabinet shop.
6. Wholesale business, with no processing, fabrication or assembly permitted on site.
7. Windmill, high impact wind powered electric generator subject to the following conditions:
 - a. The proposed wind powered electric generator/windmill shall be a distance of at least 150% of the height of the total structure to any property line, off-site residence or building, and public or private road right-of-way.
 - b. The maximum lighting used for or on the structure is a low intensity red light as defined by the Federal Aviation Administration.
 - c. The wind powered electric generator/windmill shall have a rated capacity of more than 100 kW.
 - d. All high impact wind powered electric generator/windmill locations must be pre-approved by the U.S. Department of Fish and Wildlife and the Ohio Department of Natural Resources based upon their determination on the impact that the proposed windmill will have on eagles, wildlife, and migratory birds.
 - e. All necessary township and County permits shall be obtained. (06/08/06)

8. Any of the following uses if conducted within a building or within an area enclosed on all sides with a solid wall or privacy fence not less than six (6) feet in height. The wall or fence shall be maintained in a condition similar to when it was initially installed. (8/12/00)
- a. The manufacture, compounding, processing, packing, or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, and food products, but not including the following: fish and meat products, sauerkraut, vinegar, yeast, and the rendering or refining of fats and oils.
 - b. The manufacture, compounding, assembling or treatment of articles or merchandise not employing a cooking or boiling process and using previously-treated prepared materials of bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood (excluding planing mill), yarns and/or paint.
 - c. The manufacture of pottery or ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas.
 - d. The manufacture and maintenance of electric signs, commercial advertising structures, light sheet metal products, and the like.
 - e. Assembly of electrical appliances, instruments and devices, including electroplating and the manufacture of small parts such as coils, condensers, transformers, crystal holders, and the like.
 - f. Automobile painting, upholstering, rebuilding, reconditioning body and fender works, truck repairing or overhauling, tire retreading or recapping, battery manufacturing and the like.
 - g. Machine shop excluding punch presses over twenty (20) tons rated capacity, drop hammers, and automatic screw machines.
 - h. Contractors' equipment storage yard or plant.
 - i. Distribution plants, parcel delivery, ice and cold storage plant, and bottling plant.
 - j. Feed yard. (8/12/00)
 - k. Laboratories, experimental photo or motion picture, film or testing.
 - l. Laundry, cleaning and dyeing works and carpet and rug cleaning.
 - m. Lumber yard.
 - n. Manufacture of musical instruments, toys, novelties, and rubber and metal stamps.
 - o. Small boat building, except shipbuilding.
 - p. Stone monument works.
 - q. Warehouse business, storage buildings and warehouses.
 - r. Ponds, subject to meeting all of the conditions listed in Section 12, H.
8. Accessory buildings and/or uses customarily incidental to any of the above uses when located on the same lot.

B. HEIGHT LIMIT: No building shall be erected or enlarged to exceed two and one-half (2 1/2) stories or thirty-five (35) feet.

C. AREA REQUIREMENTS:

1. Lot Area: Buildings used for manufacturing purposes shall have a minimum lot width of one hundred (100) feet and a minimum lot area of twenty thousand (20,000) square feet.
 2. Front Yard: There shall be a front yard of not less than fifty (50) feet in depth from the edge of the legal highway or easement for road or highway. A corner lot shall provide the setback on both streets. If the front yard is opposite an "A" or "R" District, it shall be used for landscape purposes only.
 3. Side Yard: There shall be a side yard of ten (10) feet unless the lot abuts an "A" or "R" District in which case the side yard shall be increased to 20 feet.
 4. Rear Yard: There shall be a rear yard of not less than ten (10) feet.
- D. PARKING & LOADING REQUIREMENTS: Automobile parking space and loading space shall be provided as required in Section 12-B.

SECTION 11

"M-3" HEAVY INDUSTRIAL DISTRICT (07/09/97)

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

- A. USES PERMITTED: After obtaining a valid Zoning Certificate, in accordance with Section 15-A, the following uses are permitted.
1. Agriculture.
 2. Offices, business or professional.
 3. Wholesale business.
 4. Advertising signs or structures.
 5. Any of the following uses if conducted within a building or within an area enclosed on all sides with a solid wall or fence not less than six (6) feet in height. The wall or fence shall be maintained in a condition similar to when it was initially installed. (8/12/00)
 - a. The manufacture, compounding, processing, packing, or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, and food products, but not including the following: fish and meat products, sauerkraut, vinegar, yeast, and the rendering or refining of fats and oils.
 - b. The manufacture, compounding, assembling or treatment of articles or merchandise not employing a cooking or boiling process and using previously-treated prepared materials of bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood (excluding planing mill), yarns and/or paint.
 - c. The manufacture of pottery or ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas.
 - d. The manufacture and maintenance of electric signs, commercial advertising structures, light sheet metal products, and the like.
 - e. Assembly of electrical appliances, instruments and devices, including electroplating and the manufacture of small parts such as coils, condensers, transformers, crystal holders, and the like.
 - f. Automobile painting, upholstering, rebuilding, reconditioning body and fender works, truck repairing or overhauling, tire retreading or recapping, battery manufacturing and the like.
 - g. Machine shop excluding punch presses over twenty (20) tons rated capacity, drop hammers, and automatic screw machines.

- h. Contractors' equipment storage yard or plant.
 - i. Distribution plants, parcel delivery, ice and cold storage plant, and bottling plant.
 - j. Freight/truck yard or terminal.
 - k. Feed and fuel yard.
 - l. Foundry casting of light weight non-ferrous metal and such similar uses as do not cause noxious fumes, noise or odors.
 - m. Laboratories, experimental photo or motion picture, film or testing.
 - n. Laundry, cleaning and dyeing works and carpet and rug cleaning.
 - o. Lumber yards.
 - p. Manufacture of musical instruments, toys, novelties, and rubber and metal stamps.
 - q. Small boat building, except shipbuilding.
 - r. Stone monument works.
 - s. Warehouse business, storage buildings and warehouses.
- 6. Asphalt manufacture, mixing, or refining.
 - 7. Automobile manufacture.
 - 8. Brick, tile, terra cotta or clay products manufacture.
 - 9. Cement or cinder block manufacture.
 - 10. Emery cloth or sandpaper manufacture.
 - 11. Glass manufacture.
 - 12. Glucose, dextrine or starch manufacture.
 - 13. Gas (illuminating or heating) manufacture.
 - 14. Iron, steel, brass or copper foundry.
 - 15. Metal stamping.
 - 16. Oilcloth or linoleum manufacture.
 - 17. Oiled rubber or leather goods manufacture.
 - 18. Paint, oil, shellac, varnish or turpentine manufacture.
 - 19. Petroleum products wholesale storage.
 - 20. Printing ink manufacture.
 - 21. Rock crushers.
 - 22. Rolling mills.
 - 23. Soap manufacture.
 - 24. Soda manufacture.
 - 25. Stone mill or quarry.
 - 26. Uses customarily incidental to any of the above permitted uses and accessory buildings when located on the same lot.
 - 27. Ponds, subject to meeting all of the conditions listed in Section 12, H.
 - 28. Windmill, high impact wind powered electric generator subject to the following conditions:
 - a. The proposed wind powered electric generator/windmill shall be a distance of at least 150% of the height of the total structure to any property line, off-site residence or building, and public or private road right-of-way.
 - b. The maximum lighting used for or on the structure is a low intensity red light as defined by the Federal Aviation Administration.
 - c. The wind powered electric generator/windmill shall have a rated capacity of more than 100 kW.
 - d. All high impact wind powered electric generator/windmill locations must be pre-approved by the U.S. Department of Fish and Wildlife and the Ohio Department of Natural Resources based upon their determination on the impact that the proposed windmill will have on eagles, wildlife, and migratory birds.
 - e. All necessary township and County permits shall be obtained. (06/08/06)

B. HEIGHT LIMIT:

1. No building shall be erected or enlarged to exceed two and one-half (2 1/2) stories or thirty-five (35) feet.

C. AREA REQUIREMENTS:

1. Lot Area: Buildings used for manufacturing purposes shall have a minimum lot width of one hundred and fifty (150) feet and a minimum lot area of forty-three thousand, five hundred and sixty (43,560) square feet.
2. Front Yard: There shall be a front yard of not less than fifty (50) feet in depth from the edge of the legal highway or easement for road or highway. A corner lot shall provide the setback on both streets. If the front yard is opposite an "A" or "R" District, it shall be used for landscape purposes only.
3. Side Yard: There shall be a side yard of ten (10) feet unless the lot abuts an "A" or "R" District in which case the side yard shall be increased to 20 feet.
4. Rear Yard: There shall be a rear yard of not less than ten (10) feet.

D. PARKING & LOADING REQUIREMENTS: Automobile parking space and loading space shall be provided as required in Section 12-B.

SECTION 12

SUPPLEMENTAL REGULATIONS

The following regulations shall apply to:

- A. ACCESSORY BUILDINGS/STRUCTURES: An accessory building/structure shall be subject to the following requirements: (07/09/97) (06/08/06)
1. It shall be located in the side or rear and behind the front of the principal building.
 2. The minimum distance from the main building shall be ten (10) feet in the agricultural and residential districts. (3/04/03)
 3. The minimum distance from any street line shall be ten (10) feet or three (3) feet from any alley line or lot line, where the accessory building/structure faces the alley, five (5) feet. Provided, however, that when located on a corner lot, the rear of which abuts upon the side of another lot, said accessory building/structure shall not project beyond the front yard line required on the lot in the rear of such corner lot. (06/08/06)
 4. An accessory building/structure not exceeding twenty (20) feet in height may occupy not more than thirty (30) percent of a rear yard, but the cumulative total of all accessory buildings/structures shall not exceed two thousand (2,000) square feet, except as noted below. (8/12/00) (06/08/06)
 - a. In an "A-1" Agriculture District, an accessory building/structure not exceeding twenty-five (25) feet in height may occupy not more than thirty (30) percent of a required yard, but the cumulative total of all accessory buildings/structures shall not exceed three thousand (3,000) square feet. (8/12/00) (06/08/06)
 5. The location of a private swimming pool shall be at least ten (10) feet from all rear and side lot lines and at least fifty (50) feet from front lot lines and all road right-of-ways or highway easements. The setback requirement shall be measured to the outer most point of the pool structure. The pool shall contain a minimum of 2.5 feet of water at any point. (07/09/97) (06/08/06)
- B. AUTOMOBILE PARKING AND LOADING:

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

Type of Building	Space per Car	Number of Spaces
Dwelling	200 Sq. Ft.	Two (2) per dwelling unit.
Auditorium, theaters, stadiums and other similar places of assembly.	200 Sq. Ft.	One (1) for every five (5) seats provided. (06/08/06)

Hospitals and Welfare Institutions	200 Sq. Ft.	One (1) for each eight hundred (800) sq. ft. of floor space. (06/08/06)
Hotels, Apartment Hotels, and Clubs	200 Sq. Ft.	One (1) for every two (2) guest rooms or suites for the first twenty (20) such rooms or suites and one (1) for every four (4) guest rooms or suites in excess of twenty (20). One (1) for every four (4) club members. (06/08/06)
Commercial Buildings.	200 Sq. Ft.	One (1) for each two hundred and fifty (250) sq. ft. of floor space. (06/08/06)
Industrial Buildings.	200 Sq. Ft.	One (1) for every two (2) employees in the largest working shift. (06/08/06)

- b. Location: Parking space as required above shall be on the same lot with the main buildings or structure or in the case of buildings other than dwellings, located not more than one thousand (1,000) feet therefrom.
 - c. Dual Use: Dual use of parking facilities may be permitted by the Board where the operating hours of the buildings or uses served do not overlap.
2. Loading Space: Every hospital, institution, hotel, commercial or industrial building hereafter erected or established on a lot which has an area of five thousand (5,000) square feet or more and abuts upon an alley or upon two or more streets, shall have one (1) permanently maintained loading space of not less than ten (10) feet in width and thirty (30) feet in length for each ten thousand (10,000) square feet of lot area or fraction thereof, above five thousand (5,000) square feet upon which said building is located.
 3. Improvements: Every parcel of land hereafter used as a private or public parking area, automobile and trailer sales area, or loading space shall be improved to the following minimum standards:
 - a. Gravel or crushed stone surfacing with adequate dust treatment.
 - b. Where the parking area adjoins lots in an "A" or "R" District, such lots shall be protected by the erection and maintenance of a permanent fence, screen and/or planting approved by the Commission. Such protection shall not extend into the front yard required on the lot on which the parking area is located.
 - c. Any lights used to illuminate said areas shall be so arranged as to reflect the light away from adjoining premises in an "A" or "R" District.
 - d. Adequate bumpers shall be provided to facilitate the proper operation of the parking area and protect any fence, screen and/or planting from damage.

- e. When a parking area is located wholly or partly in an "A" or "R" District as a transitional use, the following regulations shall apply in addition to the above:
 - 1. No commercial enterprise of any kind shall be established on said parking area.
 - 2. No fee shall be charged for parking thereon.
 - 3. No signs of any kind shall be erected, except those necessary for the orderly parking thereon.
 - 4. No encroachment of parking shall isolate residential structures.

C. SATELLITE DISH ANTENNA

- 1. Definition: A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses.
- 2. In all agricultural and residential districts, ground-mounted satellite dish antennas up to twelve (12) feet in diameter may be permitted subject to the following criteria:
 - a. They must be located in the rear yard;
 - b. The outer edge of the antenna shall not be closer than ten (10) feet from any main building or street and five (5) feet from any lot line;
 - c. All installation shall employ, to the extent possible, materials and colors that blend with the surroundings;
 - d. All installation shall be located to prevent obstruction of the antenna's reception window from potential permitted development on adjoining properties; and
 - e. All applications for building permits must meet the requirements of the BOCA Basic Building Code.

D. NAME PLATES AND SIGNS (07/12/07)

- 1. The following name plates and signs shall be permitted in any "A" or "R" District:
 - a. For each dwelling unit, one name plate not to exceed one and one-half (1 1/2) square feet in area indicating the name of the occupant.
 - b. For a building other than a dwelling, one identification sign not exceeding twelve (12) square feet in area, attached to and parallel with the front wall.
 - c. One church bulletin board, not exceeding eighteen (18) square feet in area.
 - d. Directional signs, not exceeding one and one-half (1 1/2) square feet in area, may be erected.
 - e. An unlimited sign or signs pertaining to the prospective rental or sale of the property on which they are located, not exceeding a total area of twelve (12) square feet.
 - f. One (1) real estate or identification sign for subdivision advertising shall be permitted. This single-sided sign shall be placed parallel to the main collector road from which the subdivision gains access and be set back a minimum of at least fifteen (15) feet from all street or road right-of-way lines. It shall not exceed fifty (50) square feet in area. It may include the name of the subdivision, a diagram

- reflecting the lot layout, a real estate agent to contact, and bank financing information. All other signs will be regulated by item g and h below. (07/07)
- g. Dwellings under construction may have contractor signs in the front yard for the period of time that the contractor is actually working on the site. Each contractor signs shall not exceed six (6) square feet in size and must be removed when the contractor's on-site work is completed. (07/12/07)
 - h. Dwellings under construction may have one bank financing sign not exceeding six (6) square feet in the front yard. Said sign shall be removed when the home is occupied for residential use. (07/12/07)
 - j. No electronic message center signs shall be permitted. (07/12/07)

No name plate or advertising sign of any other character shall be permitted in any "A" or "R" District.

All signs in an "A" or "R" District that are not attached to a building shall be set back at least fifteen (15) feet from the street line or property line.

The following signs and billboards shall be permitted in any "C" or "M" District:

- a. Any name plates and signs permitted in an "A" or "R" District.
- b. Free standing signs, signs not affixed to a building, Shall not exceed two (2) square feet in area for each lineal foot of frontage occupied by a business or industry. Said sign or signs shall not exceed a total cumulative square footage of one hundred (100) square feet. Only one side of the sign shall be used to calculate square footage, if both sides are identical in appearance. The sign must be setback a minimum of twenty (20) feet from the edge of the street or road right-of-way line and shall not exceed fifteen (15) feet in height. It shall not create a traffic visibility issue. The maximum square footage for electronic message center cabinets shall not exceed twenty-five (25) square feet. (07/12/07)
- c. Signs suspended from any building shall not project more than forty-two (42) inches from the building and the bottom of such sign shall be not less than nine (9) feet above the finished grade of the sidewalk. No sign except those suspended from buildings shall be erected, or placed, between the building line and the street.
- d. Billboards or poster panels may be erected and maintained, provided they are fifty (50) feet distant from all street lines and do not exceed fifteen (15) feet in height from the street grade line.
- e. For multi-tenant buildings or parcels, where two or more businesses occupy a single building or parcel of land, one free standing or wall sign not exceeding two (2) square feet in area for each lineal foot of frontage occupied by the businesses shall be permitted. Said sign shall not exceed a total cumulative square footage of one hundred (100) square feet. The sign shall identify all of the tenants in the building. Only one side of the sign shall be used to calculate square

footage, if both sides are identical in appearance. The sign must be setback a minimum of twenty (20) feet from the edge of the street or road right-of-way line and shall not exceed fifteen (15) feet in height. It shall not create a traffic visibility issue. The maximum square footage for electronic message center cabinets shall not exceed twenty-five (25) square feet.
(07/12/07)

E. CONDITIONAL USES:

1. Location of conditional uses: Wherever it is stated in this Resolution, certain conditional uses may be permitted in a District if their location is first approved and certified by the Board of Zoning Appeals and where such uses are deemed essential or desirable to the public convenience or welfare, and are in harmony with the various elements or objectives of the Master Plan. Before the Board of Zoning Appeals makes its final determination, it shall hold a public hearing as specified in this subsection. Conditional uses existing at the time of adoption of this Resolution may be continued, and no conditional use permit there for shall be required.
2. Procedure:
 - a. Written applications for approval of conditional uses shall be filed with the Board of Zoning Appeals upon forms prescribed for that purpose by the Board of Zoning Appeals. A fee as established by the trustees shall be paid upon the filing of each application for the purpose of defraying the actual cost of the proceeding described herein. A written receipt shall be issued to the person making such payment and records thereof shall be kept in such manner as prescribed by law.
 - b. The Board of Zoning Appeals shall hold a public hearing on each application for a conditional use and may use any means of notification it deems desirable and proper.
 - c. The Board of Zoning Appeals shall make its findings and determination in writing within forty (40) days from the date of the public hearing and shall forthwith transmit copy thereof to the applicant. No decision of the Board of Zoning Appeals under this Section shall become effective until after an elapsed period of ten (10) days from the date the written determination is made, during which time the applicant, or any other person aggrieved, may appeal therefrom to the Common Pleas Court of Ottawa County for a review of the decision reached by the Board of Zoning Appeals.
 - d. In approving the uses referred to in this Section, the Board of Zoning Appeals shall have authority to impose such conditions as it deems necessary to protect the best interest of the surrounding property or neighborhood and the Master Plan.
 - e. The following Finding of Fact shall be used by the Board of Zoning Appeals in reaching its decision. (06/08/06)

INSTRUCTIONS:

The Applicant shall complete this form as part of the application submission. The Board of Zoning Appeals shall publicly review the submitted form at the public hearing, stipulating the responses identified by the applicant.

Each item on the form needs to be addressed. The Board shall receive the testimony of those in attendance that are in support of the application and those that are opposed to the request. The Board may consider written comments that are submitted in advance of the hearing during its review.

At the conclusion of the testimony, the Board shall complete a separate form to become part of the public record. The Board shall summarize its findings concerning each item after reviewing the application and hearing the testimony.

Should an issue not be adequately addressed, the Board may continue the hearing to provide adequate time for the necessary material to be submitted to address the Board's concerns.

Failure by the Board to conclude that all of the noted criteria have been properly addressed will result in denial of the applicant's request. (06/08/06)

CONDITIONAL USE

FINDING OF FACT

A conditional use is a use authorized in a particular zoning district upon showing that such use in a specified location will comply with all of the conditions and standards for the location or operation of the use.

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

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

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

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

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

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

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

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

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

9. The use is necessary for the public convenience at that location.

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

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

DECISION

It is therefore the decision of the Allen Township Board of Zoning Appeals that this conditional use application is granted, subject to any conditions stated in the minutes which conditions are incorporated herein by reference and made a part of this decision.

Adopted this _____ day of _____, 20__.

(06/08/06)

F. CARE AND STABLING OF HORSES, PONIES, PIGS, AND COWS

Care of and/or stabling of horses, ponies, pigs, and cows shall be permitted in the "A-1", "A-4", and "R-A" Districts only. There shall be provided at least one (1) acre of land and a maximum of five (5) animals shall be allowed. The structure used to house the animals shall be kept a minimum of forty (40) feet from all property lines. (3/04/03)

G. PARKING OF UNLICENSED VEHICLES

Only one (1) automotive vehicle or boat or recreational trailer of any type without current license plates and proof of insurance shall be parked or stored on any property used for residential uses other than in a completely enclosed building. Parking or storage must be in the rear yard. All automotive vehicles must be considered operable as defined in Resolution # 97-20 as adopted by the Allen Township Trustees. (3/04/03)

H. PONDS

Technical assistance can be obtained from the Ottawa Soil & Water Conservation District. Individuals must also contact the Ottawa County Board of Health and Ottawa County Engineer's office to obtain their approval before submitting an application for conditional use to Allen Township. In addition for areas where the proposed pond will be located within a one hundred year flood plain, as determined by the Ottawa County Regional Planning Commission, a development permit must be obtained from the Ottawa County Building Inspection Office.

The following conditions for ponds shall be met:

- a. Soil retention plans shall be submitted with the application.
- b. A pond or portion of a pond shall not be constructed within a floodway.
- c. The pond shall be a minimum of eight (8) feet deep over 25% of the pond area unless non-penetrating matter is in the area.
- d. A minimum surface area of 1/3 acre shall be required. A maximum pond size shall not exceed 50% of land area.
- e. The ponds slope shall be a minimum of three (3) foot horizontal to one (1) foot vertical.
- f. For the beach area, the slope shall be a minimum of five (5) foot horizontal to one (1) foot vertical.
- g. A water source must be available.
- h. There shall be a minimum setback of seventy-five (75) feet in the front yard and thirty (30) feet in the side and rear yard. Measurement of the front yard setback shall be from the edge of the road right-of-way to the water's edge. For corner lots, both front yards shall have a minimum setback of seventy-five (75) feet. Measurement of the side and rear yard setbacks shall be from the property line to the water's edge.
- i. No water shall be directed to flow onto existing right-of-ways or adjoining property as a result of the construction and design of a pond. A pond over-flow pipe into an adequate outlet shall be required.
- j. If the pond is constructed with a mound of dirt surrounding

- it, wholly or partly, said mound shall end at least ten (10) feet from the property line and the slope of said mound shall have a maximum slope of 3 to 1. (07/09/97)
- k. Ponds shall be located on lots containing one (1) or more acres of land.

I. MANUFACTURED HOME REQUIREMENTS (7/23/98)

Manufactured homes shall be considered as one family dwelling if the following conditions are met:

- a. A manufactured home shall be firmly attached to a permanent foundation constructed on the site and shall have a continuous and complete frost protected perimeter foundation for the main building. The design of the foundation must qualify it for real property taxation and the title must be surrendered. A concrete pad shall not constitute a foundation.
- b. If the manufactured home or its parts have been constructed with tow bars, wheels, or axles or other equipment for moving the building or its parts, such wheels shall be removed and all other such equipment shall be completely concealed or removed.
- c. A manufactured home shall have a minimum width of twenty-three (23) feet and a minimum length of twenty-three (23) feet and a minimum floor area (dwelling bulk) required for the district in which it is located.
- d. The exterior siding of a manufactured home and any attachments thereto must be residential in appearance, consist of materials customarily used on conventional dwellings constructed on site and extend to the top of the foundation.
- e. All manufactured homes shall comply with items a. through e. of this section and meet the current HUD standards or applicable Ohio Building Codes.

J. CELL TOWERS (8/12/00)

All cellular towers erected in Allen Township must comply with all requirements stipulated in Ohio Revised Code, Section 519.211.

SECTION 13

EXCEPTIONS

A. GENERAL

1. Exceptions based on hardship may be given by the Board of Zoning Appeals in conformance with Section 14.
2. This zoning resolution is effective to the full extent allowed by law. Certain laws limit the effects of zoning resolutions. These laws are contained in Sections 519.21 and 519.211 of the Ohio Revised Code.

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

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

In general, Sections 519.21 and 519.211 prohibit regulations of certain agricultural uses, public utilities, railroads, liquor sales, oil and gas production, and telecommunication towers. (6/21/03)

B. NON-CONFORMING USES

1. Non-Conforming Buildings

- a. Continuance of Use: The lawful use of any building existing at the time of the adoption of this Resolution may be continued although the use of such building does not conform to the regulations of the Zoning District in which such building is located. The lawful use of any building which becomes non-conforming by reason of a subsequent amendment of this Resolution may be continued after the date of such amendment.
 - b. Additions and Enlargements: In accordance with procedure outlined in Section 14, the addition to, or enlargement of a non-conforming building or structure, may be permitted provided such addition or enlargement complies with all height and area regulations of the district in which it is located and that the total aggregate floor area included in all such separate additions or enlargements does not exceed twenty (20) percent of the floor area contained in said building structure.
 - c. Restoration of Damaged Building: A non-conforming building or structure which is damaged or partially destroyed by fire, flood, wind, earthquake, or other calamity or the public enemy may be restored and the same use or occupancy continued or resumed, provided that such restoration is started within a period of one (1) year and is diligently prosecuted to completion.
 - d. Change of Use: The use of non-conforming buildings may be changed to a use of the same or more restricted classification but shall not thereafter be changed back to a less restricted use.
 - e. Vacancy: A non-conforming building, or portion thereof, which is vacant and remains unoccupied for a continuous period of two (2) years, shall not thereafter be occupied except by a use which conforms to the use regulations of the district in which it is located.
2. Non-Conforming Use of Land
- a. A non-conforming use of land (where no permanent main building is involved) may be continued for a period of two (2) years from the effective date of the Resolution. All such non-conforming uses shall be discontinued after said two (2) year period.
 - b. A non-conforming use of land shall not be expanded or extended into any other portion of the lot or adjoining property, nor shall the use be changed except to a conforming use.

C. HEIGHT

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

2. Aircraft Landing Approach Area: No building shall be erected, constructed, reconstructed, structurally altered, enlarged, or moved within the limits of any "Aircraft Landing Approach Area" as designated on the official Allen Township Plan so that the height of the building, including all super-structures and appurtenances, will constitute a hazard to the safe landing and take-off of aircraft using the airport to which said approach area is appurtenant. The height limit thus imposed shall be determined by the Board after consultation with the appropriate aeronautical authorities.

D. AREA, YARDS AND SETBACKS

1. Yards: Recognizing that there are trends in the planning of homes and garden apartments and in lot arrangement to secure the benefit of solar orientation, climate control and privacy, which may necessitate variation in the front, rear and side yard requirements in this resolution, and in the restriction applying to accessory buildings and to fences, walls or hedges, such variations may be permitted in the case of isolated homes, groups of homes, garden apartments or neighborhood layouts, provided that:

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

2. Front Yard:

- a. Where a lot is situated between two lots, each of which has a main building (within twenty-five (25) feet of its side lot lines) which projects beyond the established front yard line and has been so maintained since this resolution became effective, the front yard requirement on such lot may be the average of the front yards of said existing buildings.
- b. Where a lot adjoins one lot having the conditions described in the paragraph above, the front yard requirement on such lot may be the average of the front yard of the existing building and the established front yard line.

3. Side Yard:

For the purpose of side yard regulations, dwellings with common party walls shall be considered as one (1) building occupying one (1) lot.

4. Rear Yard:

In computing the depth of a rear yard where such yard opens on to an alley, one-half (1/2) the width of such

alley may be assumed to be a portion of the required rear yard.

5. Lot Area:

In computing the lot area of a lot which abuts an alley, one-half (1/2) the width of such alley may be assumed to be a portion of the lot.

6. Vision Clearance:

On any corner lot in a "C" or "M" District, no building or obstructions shall be permitted within eight (8) feet of the intersection of any two street lines.

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

7. Projections allowed into Yards and Courts:

a. A porte cochere over a driveway may be extended into a side yard provided such structure is not more than one (1) story in height and twenty (20) feet in length, and entirely open on at least three (3) sides, except for the necessary supporting columns and customary architectural features.

b. Cornices, eaves, belt courses, sills, canopies or other similar architectural features (not including bay windows or vertical projections) may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard, and may extend or project into a required front or rear yard not more than three (3) feet.

Chimneys may project into a required front, rear or side yard not more than one (1) foot, provided that the width of such yard is not reduced to less than three (3) feet.

c. Open unenclosed fire escapes may extend or project into any front, rear or side yard not more than four (4) feet.

d. Open, unenclosed stairways or balconies, not covered by a roof or canopy, may extend or project into a required rear yard not more than four (4) feet, and such balconies may extend into a required front yard not more than thirty (30) inches.

e. Open, unenclosed terraces, platforms or landing places, not covered by a roof or canopy and not extending above the height of the first floor elevation of the building, may extend or project into a front, rear or side yard or a court not more than six (6) inches, provided that the extension into a court shall not exceed twenty (20) percent of the width of such court.

SECTION 14

BOARD OF ZONING APPEALS

A. MEMBERSHIP

1. The Board of Zoning Appeals, hereinafter called the Board, shall consist of five members appointed by the Board of Allen Township Trustees. The term of all members shall be of such length and so arranged that the term of one member will expire each year.
2. The Board shall organize, adopt rules, hold meetings and keep records, as provided by law.
3. If any member of the Board of Zoning Appeals is absent for four (4) consecutive meetings, he may be considered, at the option of the Chairman, to have resigned, and the Chairman may request the Board of Township Trustees to appoint a replacement.
3. A quorum shall consist of three (3) members of the Board which shall be the minimum number permitted to conduct business. An affirmative vote of a majority of the members in attendance shall be required for action. Failure of an item to receive a majority vote shall constitute disapproval. When a quorum is lacking, the Board shall postpone or cancel items requiring a vote and may proceed with items presented for information only. (07/09/97)
4. The Board of Township Trustees may appoint one (1) alternate member to the Township Board of Zoning Appeals for a term of two (2) years as designated by the Board of Township Trustees. An alternate member shall take the place of an absent regular meeting at any meeting of the Board of Zoning Appeals according to procedures prescribed by Resolution of the Board of Township Trustees. All alternate members shall meet the same appointment criteria as a regular member. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote. (8/12/00)

B. JURISDICTION

1. Authority of the Board: Where the practical difficulties of unnecessary hardships, inconsistent with the general purposes of this Resolution, may result from the strict and literal interpretation and enforcement of the provisions thereof, the Board, upon receipt of a verified application from the owner of the property affected, appealing a

decision of the enforcement officer and stating fully the grounds of the appeal and the facts relied upon, shall have authority to grant, upon such conditions and safeguards as it may determine, such variances therefrom as may be in harmony with their general purpose and intent so that the spirit of this Resolution shall be observed, public safety and welfare secured, and substantial justice done. (07/09/97)

2. There are two types of variances which the township may grant: an area variance and a use variance. The factors to be considered by the Board of Zoning Appeals differ for the two types of variances. (07/09/97)

Area Variance (07/09/97)

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

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

- a. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance. (Is the value of the property less without the approval of the variance? Can it be used for a purpose similar to other uses in the neighborhood or does it become non-useable to the owner? (3/04/03)
- b. Whether the variance is substantial. (Substantial is defined as no more than forty (40) percent of the requirement.) (3/04/03)
- c. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.
- d. Whether the variance would adversely affect the delivery of governmental services (for example, water, sewer, garbage).
- e. Whether the property owner purchased the property with the knowledge that Allen Township had zoning restrictions. (3/04/03)
- f. Whether the property owner's predicament feasibly can be prevented or eliminated through some method other than a variance. (3/04/03)
- g. Whether the spirit and intent behind the zoning requirements would be observed and substantial justice done by granting the variance. (07/09/97)

INSTRUCTIONS:

The Applicant shall complete the appropriate form as part of the application submission. The Board of Zoning Appeals shall publicly review the submitted form at the public hearing, stipulating the responses identified by the applicant.

Each item on the form needs to be addressed. The Board shall receive the testimony of those in attendance that are in support of the application and those that are opposed to the request. The Board may

consider written comments that are submitted in advance of the hearing during its review.

At the conclusion of the testimony, the Board shall complete a separate form to become part of the public record. The Board shall summarize its findings concerning each item after reviewing the application and hearing the testimony.

Should an issue not be adequately addressed, the Board may continue the hearing to provide adequate time for the necessary material to be submitted to address the Board's concerns.

Failure by the Board to conclude that all of the noted criteria have been properly addressed will result in denial of the applicant's request. (06/08/06)

AREA VARIANCE

FINDING OF FACT

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

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

2. Whether the variance is substantial.

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

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

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

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

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

DECISION

It is therefore the decision of the Allen Township Board of Zoning Appeals that this area variance petition is granted, subject to any conditions stated in the minutes which conditions are incorporated herein by reference and made a part of this decision.

Adopted this _____ day of _____, 20____.

(06/08/06)

Use Variance (07/09/97)

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

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

- a. The special circumstances or conditions applying to the building or land in question are peculiar to such lot or property and do not apply generally to other land or buildings in the vicinity and were not created by the applicant. (The circumstances for this building or land is the exception to the rule. It has unique features not found on adjoining lands in the neighborhood. The owner or previous owners have done nothing to create the unusual circumstances that exist.) (3/04/03)
- b. The granting of the application is necessary for the preservation and enjoyment of a substantial property right and not merely to serve a convenience to the applicant. (Without the variance, the applicant will not be able to do the same things others have done. The requested variance must allow the applicant to do uses similar to others already there. It can not be only helpful to the applicant.) (3/04/03)
- c. The authorizing of the variance will not reduce an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or imperil the public safety or unreasonably diminish or impair established property values within the surrounding areas, or in any way impair the health, safety, convenience, or general welfare of the inhabitants of the Township. (07/09/97)

INSTRUCTIONS:

The Applicant shall complete the appropriate form as part of the application submission. The Board of Zoning Appeals shall publicly

review the submitted form at the public hearing, stipulating the responses identified by the applicant.

Each item on the form needs to be addressed. The Board shall receive the testimony of those in attendance that are in support of the application and those that are opposed to the request. The Board may consider written comments that are submitted in advance of the hearing during its review.

At the conclusion of the testimony, the Board shall complete a separate form to become part of the public record. The Board shall summarize its findings concerning each item after reviewing the application and hearing the testimony.

Should an issue not be adequately addressed, the Board may continue the hearing to provide adequate time for the necessary material to be submitted to address the Board's concerns.

Failure by the Board to conclude that all of the noted criteria have been properly addressed will result in denial of the applicant's request. (06/08/06)

USE VARIANCE

FINDING OF FACT

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

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

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

DECISION

It is therefore the decision of the Allen Township Board of Zoning Appeals that this use variance petition is granted, subject to any conditions stated in the minutes which conditions are incorporated herein by reference and made a part of this decision.

Adopted this _____ day of _____, 20__.

(06/08/06)

Summary

In either type of variance request, the variance as granted shall be the minimum variance necessary to accomplish the reasonable use of the land or building. The granting of a variance runs with the land and is not approved for the present landowner only. (07/09/97)

The variances which may be considered shall include the following:

- a. Permit in the "A" or "R" District, public parking areas or storage garages adjacent to any existing or proposed use in the multiple dwelling, commercial or industrial districts.
- b. Permit the modification of the automobile parking space or loading space requirements where, in the particular instances, such modification will not be inconsistent with the purpose and intent of such requirements, or permit (a) the waiver of the requirement that automobile parking space be provided on the same lot with a dwelling, if other suitable and convenient parking space is available within or without a building, or (b) the dual use of parking facilities (i.e. by stores during the day and theaters during the evening) provided there is no overlapping of use and the parking space requirements for each building or use are complied with during each period.
- c. Permit the addition or enlargement of a legal non-conforming building or structure, provided such addition

or enlargement complies with all height and area regulations of the district in which it is located and that the total aggregate floor area included in all such separate additions or enlargements does not exceed twenty (20%) percent of the floor area contained in said building or structure, except that no limitation shall apply to expansion of a legal non-conforming dwelling in an "M-3" Heavy Industrial District.

- d. Permit in districts limiting the height of two and one-half (2 1/2) stories and thirty-five (35) feet, or three (3) stories and forty-five (45) feet, schools, hospitals, sanitariums, institutions, churches and other similar uses allowed under the use regulations of this resolution, to be erected to a height not exceeding six (6) stories or seventy-five (75) feet, provided that the front and side yard requirements for such buildings in the "R" Districts are complied with.
- e. Permit such modification of the height and area regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape, or so located with relation to surrounding development or physical characteristics that it cannot otherwise be appropriately improved without such modifications.
- f. Permit temporary buildings and uses for periods not to exceed two (2) years in undeveloped sections of the Township and for periods of not to exceed six (6) months in developed sections.
- g. Permit in the "M-3" District the temporary use of areas or portions thereof for dwelling purposes in de-mountable or other temporary buildings, under appropriate conditions and safeguards, pending the need of the area for industrial purposes, provided suitable sanitary and other facilities can be made available without extra expense to the Township.
- h. In approving applications for variances the Board shall have authority to impose such conditions as it deems necessary to protect the best interests of the surrounding property or neighborhood and the Master Plan.
- i. Permit a mobile home on a lot which is owned by the mobile home occupant, and upon which the occupant is constructing a house, for a period of one year. A six months' extension can be granted by the Board of Zoning Appeals.

C. PROCEDURES:

- 1. Appeals: Written applications of appeal shall be filed with the Board upon forms prescribed by the Board. A fee as established by the trustees shall be paid, upon the filing of each appeal, for the purpose of defraying the costs of the proceedings described herein. A written receipt shall be issued to the person making such payment, and records thereof shall be kept in such manner as prescribed by law. Such applications which appeal decisions by the enforcing officer, shall be made within twenty (20) days of the date of such decision.

2. Public Hearing; The Board shall hold a public hearing on each appeal within thirty (30) days from the date of filing. The applicant filing the appeal shall provide the names and addresses of all owners of property within, contiguous to, and directly across the street from the property involved in the appeal using the County Auditor's current tax list or the County Treasurer's mailing list. Notice of the hearing shall be sent to these property owners by first class mail at least ten (10) days prior to the hearing. The failure of delivery of such notice shall not invalidate any action taken on the appeal. In addition, the Board of Zoning Appeals shall also give notice of such public hearing by one (1) publication in one (1) or more newspapers of general circulation in the County at least ten (10) days before the date of such hearing. Upon the hearing, any person may appear in person or by attorney. (3/04/03)
3. Decision: The Board shall make its findings and determination in writing within thirty (30) days from the date of filing of the appeal and shall forthwith transmit a copy thereof to the applicant.
4. Records: The Board shall keep minutes of its proceedings showing the vote of each member upon each question and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the Board of Allen Township Trustees and shall be a public record.

SECTION 15

ADMINISTRATION

A. ZONING CERTIFICATE:

1. Requirement: No occupancy, use or change of use shall take place on any parcel or in any building until a Zoning Certificate therefor shall have been issued by the Board of Township Trustees or their authorized agent.
2. When Required: A Zoning Certificate shall be required for any of the following:
 - a. Use of any existing land or building not covered by a Zoning Certificate.

- b. Occupancy and/or use of any building hereafter erected or structurally altered.
 - c. Any change in use of an existing building.
 - d. New occupancy and/or use of vacant land.
 - e. Change in the use of land to a use of a different classification.
 - f. Any change of a non-conforming use.
3. Applications: Written application for a Zoning Certificate shall be made to the Board of Township Trustees or their authorized agent. Accurate information shall be supplied by the applicant if requested by the agent with regard to:
- a. The size and location of the lot.
 - b. The size and location of the buildings and structures proposed or existing on the lot.
 - c. The dimensions of all yards and open spaces.
 - d. Such other information as may be necessary to provide for the enforcement of these regulations. The applicant shall also supply information as to the time required to complete the project and, therefore, limit the certificate to a reasonable time provided a construction start is made as set forth in Paragraph 4.
4. Certificate: Every Zoning Certificate shall state that the building or the proposed use of a building or land complies with all provisions of this resolution. If all of these provisions are met, the Zoning Certificate shall be issued within ten (10) days of the date of application. If a construction start and/or use of the certificate is not made within six (6) months from the date of issue of the certificate, said certificate shall be void. (07/09/97)
5. Fees: The fee for the Zoning Certificate shall be determined by the Township Trustees.

B. ENFORCEMENT AND PENALTIES:

- 1. This Resolution shall be enforced by the enforcement officer, as designated by the Board of Township Trustees, who shall in no case grant any Zoning Certificate if the building or use would be in violation of any of the provisions of this Resolution. (07/09/97)
- 2. Except as expressly provided in this Resolution, it shall be unlawful to locate, erect, construct, reconstruct, enlarge, structurally alter, or use any building or structure or to use any land without first obtaining a Zoning Certificate. Anyone who starts any of the actions noted above without a Zoning Certificate, and subsequently obtains a valid Zoning Certificate, shall be required to pay a fee as established by the Trustees that shall be double the normal zoning fee. (07/23/09)
- 3. Any Zoning Certificate issued upon a false statement of any fact which is material to the issuance thereof shall be void. Whenever the fact of such false statement shall be established to the satisfaction of the Board of Township Trustee, the Zoning Certificate shall be revoked by notice in writing to be delivered to the holder of the void Zoning Certificate upon the premises concerned, or if such holder be not found there, by posting the said notice of revocation in some conspicuous place upon the said premises. Any person who shall proceed thereafter with such work or use without having obtained a new Zoning Certificate, in

accordance with this Resolution, shall be deemed guilty of violation thereof.

4. In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or is proposed to be used in violation of this Resolution, the Board of Township Trustees, the County Prosecuting Attorney, the Township Zoning Inspector or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.
5. Any person, firm or corporation violating any provisions of this Resolution shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five hundred (\$500.00) dollars. Each and every day, during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance, or use continues, may be deemed a separate offense. (06/08/06)

C. MEMBERSHIP (07/09/97)

1. The Zoning Commission, hereafter called the Commission, shall be appointed by Board of Township Trustees and shall consist of five (5) members (none of whom shall be concurrently appointed as a member of the Board of Zoning Appeals) who are residents of the unincorporated area of the Township. The terms of all members shall be of such length and so arranged that the term of one member will expire each year. (07/09/97)
2. The Board of Township Trustees may remove any member for cause, after public hearing, in accordance with the provisions of Section 519.04, Ohio Revised Code. Vacancies shall be filled for the unexpired term of any member whose place becomes vacant. If any member of the Commission is absent for four (4) consecutive meetings he may be considered, at the option of the Chairperson, to have resigned and the Chairperson may request the Board of Township Trustees to appoint a replacement. (07/09/97)
3. The Commission shall by majority vote of its members elect a Chairperson, a Vice Chairperson and a Secretary, who shall occupy such offices until their successors are duly elected at the first meeting of the Commission each year. (07/09/97)
4. Meeting of the Commission shall be at the call of the Chairperson and at such other times as the Commission may determine. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, and of each member's absence or failure to vote, and shall keep records of every official action. Every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision, or determination of the Commission shall be filed in the office of the Commission and shall be a public record. (07/09/97)

A quorum shall consist of three (3) members of the Commission which shall be the minimum number permitted to

conduct business. An affirmative vote of a majority of the members in attendance shall be required for action. Failure of an item to receive a majority vote shall constitute disapproval. When a quorum is lacking, the Commission shall postpone or cancel items requiring a vote and may proceed with items presented for information only. (07/09/97)

5. The Board of Township Trustees may appoint one (1) alternate member to the Township Zoning Commission for a term of two (2) years as designated by the Board of Township Trustees. An alternate member shall take the place of an absent regular meeting at any meeting of the Zoning Commission according to procedures prescribed by Resolution of the Board of Township Trustees. All alternate members shall meet the same appointment criteria as a regular member. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote. (8/12/00)

D. CHANGES AND AMENDMENTS:

1. Authority: Whenever the public necessity, convenience, general welfare or good zoning practice require, the Board of Trustees may, by Resolution, after report thereon by the Commission and subject to the procedure provided in this Section, amend, supplement or change the regulations, district boundaries, or classification of property, now or hereafter established by this Resolution.
2. Initiation: Amendments or supplements to the zoning resolution may be initiated as follows:
 - a. By motion of the Zoning Commission.
 - b. By passage of a Resolution therefor by the Board of Trustees and certification of same to the Zoning Commission.
 - c. By the owners of the area proposed to be changed.
3. Applications: Applications initiated by private owners, as provided for in paragraph C-2 of this Section, for any change of District boundaries or reclassification of districts, as shown on the zoning map, shall be filed with the zoning commission upon forms and accompanied by such data and information as may be prescribed for that purpose by the Commission so as to assure the fullest practicable presentation by facts for the permanent record.

The applicant shall provide the name and address of all property owners within, contiguous to, and directly across the street from the property proposed to be rezoned. This information shall be provided as it appears on the County Auditor's current tax list. (3/04/03)

4. Fees: A fee as determined by the Trustees shall be paid upon the filing of each application, for the purpose of defraying the cost of the proceedings described herein. A written receipt shall be issued to the person making such payment, and records thereof shall be kept in such manner as prescribed by law. No fee shall be charged for actions initiated by the Board of Trustees or the Commission.
5. Transmittal to Regional Planning Commission: Within five (5) days after the adoption of such motion or the certification of such Resolution, or the filing of such application, the Commission shall transmit a copy thereof

together with text and map pertaining thereto to the Regional Planning Commission. The Regional Planning Commission shall recommend the approval or denial of the proposed amendment or supplement or the approval of some modification thereof and shall submit such recommendation to the Commission. Such recommendation shall be considered at the public hearing held by the Commission on such proposed amendment or supplement.

6. Hearing and Notice by Zoning Commission:

Upon the adoption of such motion, or the certification of such resolution, or the filing of such application, the Township Zoning Commission shall hold a public hearing thereon. The Commission shall set a date for the public hearing not less than twenty (20) nor more than forty (40) days from the date of the certification of such resolution, or the date of the filing of such application. Notice of such hearing shall be given by publication in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of such hearing.
(07/09/97)

If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land as listed on the County Auditor's current tax list, the published and mailed notices to adjacent/contiguous property owners shall set forth the time, date, and place of the hearing along with the following information:

- A. The name of the zoning commission that will be conducting the public hearings;
- B. A statement indicating that the motion, resolution, or application is an amendment to the zoning resolution;
- C. A list of the addresses of all property to be rezoned or redistricted by the proposed amendment and the names of the owners of the property as they appear on the county auditor's current tax list;
- D. The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property;
- E. The time and place where the motion, resolution, or application proposing to amend the zoning resolution will be available for examination for period at least ten (10) days prior to public hearing;
- F. The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;
- G. Any other information requested by the zoning commission; and
- H. A statement that after the conclusion of the hearing, the matter will be submitted to the township trustees for its action.

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

- A. The name of the zoning commission that will be conducting the public hearing on the proposed amendment;
- B. A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;

- C. The time and place where the text and maps of the proposed amendment will be available for a period of at least ten (10) days prior to the public hearings;
 - D. The name of the person responsible for giving notice of the public hearing by publication;
 - E. Any other information requested by the zoning commission; and
 - F. A statement that after the conclusion of such hearing, the matter will be submitted to the township trustees for its action.
7. Records: The Commission shall keep minutes of its proceedings showing the vote of each member upon each question and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the Commission and shall be a public record.
8. Decision by Commission and Submittal to Board of Trustees: The Commission shall study the proposed change in the terms of public necessity, convenience, general welfare and good zoning practice. The Commission shall within thirty (30) days after such hearing, recommend the approval or denial of the proposed amendment or supplement on this basis, or the approval of such modification thereof, and submit such recommendation together with such application or resolution, the text and map pertaining thereto and the recommendation of the County Planning Commission thereon, to the Board of Trustees.
9. Hearing and Notice by Board of Trustees:
- The Board of Township Trustees, upon receipt of such recommendation from the Township Zoning Commission, shall hold a public hearing thereon. The Board of Township Trustees shall set a time for the public hearing on the proposed amendment or supplement no more than thirty (30) days from the date of the receipt of such recommendation from the Commission.
- Notice of such public hearing shall be given by the Board of Township Trustees by one (1) publication in one (1) more newspapers of general circulation in the Township, at least ten (10) days before the date of such hearing. (07/09/97)
- If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land as listed on the County Auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and shall include all of the following:
- A. The name of the board that will be conducting the hearing;
 - B. A statement indicating that the motion, application or resolution is an amendment to the zoning resolution;
 - C. A list of the addresses of the property to be rezoned or redistricted by the proposed amendment and of the names of the owners of these properties as they appear on the county auditor's current tax list;
 - D. The proposed zoning classification of the property named in the proposed amendment and the proposed zoning classification of such property;
 - E. The time and place where the motion, application, or resolution proposing to amend the zoning resolution will be available for examination for a period of at least ten (10) days prior to the hearing;

- F. The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail; and
- G. Any other information requested by the board.

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

- A. The name of the board that will be conducting the public hearing;
 - B. A statement indicating the motion, application, or resolution is an amendment to the zoning resolution;
 - C. 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 (10) days prior to the public hearing;
 - D. The name of the person responsible for giving notice of the public hearing by publication; and
 - E. Any other information requested by the Board.
10. Action by Board of Trustees: Within twenty (20) days after such public hearing the Board of Trustees shall either adopt or deny the recommendations of the Commission or adopt some modification thereof. In the event the Board of Trustees denies or modifies the recommendation of the Commission, the majority vote of the Board of Trustees shall be required. (07/23/09)
11. Effect and Referendum: Such amendment or supplement adopted by the Board of Trustees shall become effective in thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment or supplement there is presented to the Board of Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the township or part thereof included in the zoning plan equal to not less than eight (8) percent 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 Trustees to submit the amendment or supplement to the electors of such area for approval or rejection at the next primary or general election. (07/09/97)

No amendment or supplement for which such referendum vote has been requested shall be put into effect unless a majority of the vote 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.

E. INTERPRETATION - PURPOSE AND CONFLICT

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

than are imposed or required by other ordinances, rules, regulations, or by easements, covenants or agreements, the provisions of this Resolution shall control.

F. VALIDITY:

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

G. WHEN EFFECTIVE:

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

ALLEN TOWNSHIP
ZONING RESOLUTION

ALLEN TOWNSHIP TRUSTEES

Scott Everhardt
Dan Johnson
Ernie Cottrell Jr.

ZONING COMMISSION

David Grosjean
Scott Aldrich
Michael Szymanski
Kari Fern
David Whitney

BOARD OF ZONING APPEALS

David Henninger
Rebecca Sparks
Gary Baker
Phil Estes
Jan Brubaker
Barry Steward, Alternate

ADOPTED

June 1963

Effective Date Latest Amendment

2009

ASSISTED BY OTTAWA REGIONAL PLANNING COMMISSION

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INSTRUCTIONS:

The Applicant shall complete this form as part of the application submission. The Board of Zoning Appeals shall publicly review the submitted form at the public hearing, stipulating the responses identified by the applicant.

Each item on the form needs to be addressed. The Board shall receive the testimony of those in attendance that are in support of the application and those that are opposed to the request. The Board may consider written comments that are submitted in advance of the hearing during its review.

At the conclusion of the testimony, the Board shall complete a separate form to become part of the public record. The Board shall summarize its findings concerning each item after reviewing the application and hearing the testimony.

Should an issue not be adequately addressed, the Board may continue the hearing to provide adequate time for the necessary material to be submitted to address the Board's concerns. Failure by the Board to conclude that all of the noted criteria have been properly addressed will result in denial of the applicant's request. (06/08/06)

CONDITIONAL USE

FINDING OF FACT

A conditional use is a use authorized in a particular zoning district upon showing that such use in a specified location will comply with all of the conditions and standards for the location or operation of the use.

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

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

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

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

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

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

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

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

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

9. The use is necessary for the public convenience at that location.

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

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

DECISION

It is therefore the decision of the Allen Township Board of Zoning Appeals that this conditional use application is granted, subject to any

conditions stated in the minutes which conditions are incorporated herein by reference and made a part of this decision.

Adopted this _____ day of _____, 20__.

INSTRUCTIONS:

The Applicant shall complete the appropriate form as part of the application submission. The Board of Zoning Appeals shall publicly review the submitted form at the public hearing, stipulating the responses identified by the applicant.

Each item on the form needs to be addressed. The Board shall receive the testimony of those in attendance that are in support of the application and those that are opposed to the request. The Board may consider written comments that are submitted in advance of the hearing during its review.

At the conclusion of the testimony, the Board shall complete a separate form to become part of the public record. The Board shall summarize its findings concerning each item after reviewing the application and hearing the testimony.

Should an issue not be adequately addressed, the Board may continue the hearing to provide adequate time for the necessary material to be submitted to address the Board's concerns. Failure by the Board to conclude that all of the noted criteria have been properly addressed will result in denial of the applicant's request. (06/08/06)

AREA VARIANCE

FINDING OF FACT

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

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

2. Whether the variance is substantial.

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

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

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

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

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

DECISION

It is therefore the decision of the Allen Township Board of Zoning Appeals that this area variance petition is granted, subject to any conditions stated in the minutes which conditions are incorporated herein by reference and made a part of this decision.

Adopted this _____ day of _____, 20__.

(06/08/06)

INSTRUCTIONS:

The Applicant shall complete the appropriate form as part of the application submission. The Board of Zoning Appeals shall publicly review the submitted form at the public hearing, stipulating the responses identified by the applicant.

Each item on the form needs to be addressed. The Board shall receive the testimony of those in attendance that are in support of the application and those that are opposed to the request. The Board may consider written comments that are submitted in advance of the hearing during its review.

At the conclusion of the testimony, the Board shall complete a separate form to become part of the public record. The Board shall summarize its findings concerning each item after reviewing the application and hearing the testimony.

Should an issue not be adequately addressed, the Board may continue the hearing to provide adequate time for the necessary material to be submitted to address the Board's concerns.

Failure by the Board to conclude that all of the noted criteria have been properly addressed will result in denial of the applicant's request. (06/08/06)

USE VARIANCE

FINDING OF FACT

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

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

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

DECISION

It is therefore the decision of the Allen Township Board of Zoning Appeals that this use variance petition is granted, subject to any conditions stated in the minutes which conditions are incorporated herein by reference and made a part of this decision.

Adopted this _____ day of _____, 20__.

