# TOWNSHIP OF ST. MARYS

# Zoning Resolutions

Adopted January 25, 2011

# ST. MARYS TOWNSHIP

# ZONING RESOLUTION

## ADOPTED JANUARY 25, 2011

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# CHAPTER 1 - GENERAL PROVISIONS

## 1.00 TITLE

A RESOLUTION TO REGULATE, RESTRICT AND LIMIT THE LOCATION AND THE USE OF BUILDINGS, STRUCTURES AND LAND, FOR BUSINESS, INDUSTRY, RESIDENCES OR OTHER PURPOSE; TO REGULATE AREA HEIGHT AND SETBACKS; TO PROVIDE FOR A METHOD OF ADMINISTRATION AND ENFORCEMENT; AND TO PRESCRIBE PENALTIES FOR VIOLATIONS OF THE WITHIN PROVISIONS.

This Resolution may also be known as "The Zoning Resolution for St. Marys Township", and may be herein referred to as "this Resolution."

## 1.01 PREAMBLE

Whereas it has been determined by the Board of Township Trustees of St. Marys Township, it is in the interest of promoting the public health, safety, and morals, to regulate by Resolution, and in accordance with a comprehensive plan, the location, height, bulk, number of stories, and size of buildings and other structures, including tents, cabins, and trailer coaches, percentages of lot areas that may be occupied, set back building lines, sizes of yards, courts, and other open spaces, the density of population, the use of buildings and other structures including tents, cabins, and trailer coaches, and the use of land for trade, industry, residences, recreation, or other purpose in the unincorporated territory of St. Marys Township, and for such purpose, shall divide all of St. Marys Township into zoning districts.

## 1.02 REPEAL OF PREVIOUS ZONING RESOLUTION

Upon the adoption of this Resolution, and subsequent effective date, the previous Zoning Resolution, or any amendments thereto, shall be repealed.

## 1.03 AREA OF JURISDICTION

The provisions of this Resolution shall apply to all unincorporated areas of St. Marys Township, Auglaize County, Ohio.

## 1.04 PROVISIONS DECLARED MINIMUM REQUIREMENTS

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

## 1.05 SEPARABILITY CLAUSE

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

## 1.06 CONFORMANCE REQUIRED

Except as hereinafter provided:

### (A) Change in Use

No land, building, or structure shall be used, or change in use, except in conformance with the use allowed in the Zoning District in which it is located.

### (B) Construction

No building shall be erected, converted, enlarged, or reconstructed, nor shall any building or structure be placed on a parcel of land, except in conformance with the setback, height or other applicable dimensional standards described in the zoning district for which such property is located.

### (C) Subdivision

No lot or parcel of land may be subdivided into a smaller lot or parcel except in conformance with the lot size requirements prescribed in the zoning district within which such property is located.

## 1.07 PENDING APPLICATIONS FOR ZONING PERMITS

Nothing in this Resolution shall require any change in approved plans, or construction activity underway for which an approved zoning permit has been granted before the enactment of this Resolution, or any amendment hereto (See Chapter 21, for other applicable time limits on zoning permits).

# CHAPTER 2 - PROVISIONS FOR OFFICIAL ZONING MAP

## 2.00 OFFICIAL ZONING MAP

The St. Marys Township Zoning Map is hereby adopted as part of this Resolution. Subsequent amendments to this zoning map will be made in accordance with provisions of Chapter 24 of this Resolution.

## 2.01 IDENTIFICATION OF THE OFFICIAL ST. MARYS TOWNSHIP ZONING MAP

The Official St. Marys Township Zoning Map shall be identified by the original signature of the Chairman of the Board of St. Marys Township Trustees and attested by the St. Marys Township Clerk. The Official St. Marys Township Zoning Map shall be held on file in the St. Marys Township Hall. Copies of this map may be produced and distributed, but current and official determinations of zoning district boundaries shall be made from this Official Zoning Map.

## 2.02 INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of any of the zoning districts as shown on the Official Zoning Map, the following rules shall apply:

### (A) Parallel Lines

Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right of way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map.

### (B) Lot Lines

Where district boundaries approximately follow lot lines, such lot lines shall be construed as being a boundary of a zoning district.

### (C) Rail Lines

Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.

Any questions of interpretation of the Official Zoning Map, which cannot otherwise be resolved, shall be referred to the Board of Zoning Appeals for determination in accordance with Chapter 23.

## 2.03 RESPONSIBILITY FOR MAINTENANCE OF THE OFFICIAL ST. MARYS TOWNSHIP ZONING MAP

The St. Marys Township Zoning Inspector shall be responsible for maintenance of the St. Marys Township Zoning Map and shall illustrate all rezonings or other changes made thereto.

## 2.04 ESTABLISHMENT OF DISTRICTS

For the purpose of regulating and restricting the location of buildings, structures and land use, St. Marys Township is divided into zoning districts as shown on the Official Zoning Map. These districts include the following, and may be illustrated on the Official Zoning Map.

SPECIAL OVERLAY ZONING DISTRICTS
FPO Floodplain Overlay District

STANDARD ZONING DISTRICTS
FP Floodplain District
A-1 Agricultural Zoning District
R-1 Low Density Single Family Residential Zoning District
R-2 Medium Density Single Family Residential Zoning District
SR-2 Special Medium Single Family Density Residential Zoning District
R-3 High Density Single Family Residential Zoning District
SR-4 Special High Density Residential District
R-4 High Density Residential District
MHP Manufactured Home Park District
REC Recreation District
C-1 Neighborhood Commercial Zoning District
C-2 General Commercial Zoning District
I-1 General Industrial Zoning District
PUD Planned Unit Development District

## 2.05 ZONING AND ANNEXATION

Pursuant to ORC 519.18, these Regulations shall apply within a municipal corporation for a certain period of time following municipal annexation or incorporation.

# CHAPTER 3 - GENERAL REQUIREMENTS

## 3.00 AGRICULTURE

Except as noted below, nothing in this Resolution shall prohibit or otherwise regulate the use of land for agricultural purpose, prohibit or otherwise regulate the construction of buildings or structures for agricultural purpose.

### (A) Dwellings

Dwellings anywhere in St. Marys Township are not herein defined as agricultural structures and are subject to all zoning requirements contained in this Resolution.

### (B) Agricultural Activity in Platted Subdivisions or Subdivided Areas.

Pursuant to ORC 519.21, this Resolution regulates agriculture activity, agriculturally-related buildings or structures, and dairying and animal and poultry husbandry on lots less than five acres within any area consisting of fifteen or more lots approved under section 711.131 of the Revised Code that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road.

### (C) Farm Markets

Pursuant to ORC 519.21, the use of any land for a farm market where fifty per cent or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year is permitted anywhere in St. Marys Township. However, in all cases, farm market structures must meet other requirements as may be specified with regard to size of the structure, size of parking areas that may be required, set back building lines, and egress or ingress.

## 3.01 PUBLIC UTILITIES & TELECOMMUNICATIONS TOWERS

Pursuant to ORC 519.211, the Revised Code confers no power on any board of township trustees or board of zoning appeals in respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad, for the operation of its business. As used in this division, "public utility" does not include a person that owns or operates a solid waste facility or a solid waste transfer facility, other than a publicly owned solid waste facility or a publicly owned solid waste transfer facility that has been issued a permit under Chapter 3734 of the Revised Code or a construction and demolition debris facility that has been issued a permit under Chapter 3714 of the Revised Code. The Revised Code does confer power on a board of township trustees or board of zoning appeals with respect to the location, erection, construction, reconstruction, change, alteration, removal, or enlargement of a telecommunications tower, but not with respect to the maintenance or use of such a tower or any change or alteration that would not substantially increase the tower's height.

## 3.02 SALE OF ALCOHOLIC BEVERAGES

Pursuant to ORC 519.211, this Resolution does not prohibit the sale of alcoholic beverages in any retail business, hotel, restaurant, private club, or similar establishment. However, regardless of whether or not an establishment sells alcoholic beverages, such usage must be a permitted use in the zoning district in which such property is located.

## 3.03 UNSAFE BUILDINGS

Nothing in this Resolution shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by a proper authority.

## 3.04 CONVERSION OF DWELLINGS

The conversion of any building into a dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, is permitted only in accordance with all requirements of this Resolution including requirements such as minimum lot sizes of the zoning district within which such property is located.

## 3.05 REQUIRED LOT AREA OR OPEN SPACE CANNOT BE REDUCED

No lot, yard, court, parking area, or other space shall be reduced in area or dimension so as to make such area or dimension less than the minimum required by this Zoning Resolution.

## 3.06 LOT FRONTAGES FOR LOTS OVER 5 ACRES

Whenever a parcel of more than five (5) acres is being subdivided from a larger parcel, the minimum required lot frontage is fifty (50) feet, and at no point shall the width of the lot be less than fifty (50) feet. An easement of access is not permitted in lieu of this frontage requirement.

## 3.07 LOT WIDTH TO DEPTH RATIO

All new lots subdivided from a larger parcel which are less than five (5) acres in size, may not have a ratio of lot depth to lot width which is greater than three (3) to one (1). In other words, a lot which has 100 feet of lot width, many not have a lot depth which is greater than 300. In certain zoning districts, specific amounts of frontage may be required.

## 3.08 MANUFACTURED HOUSING AND ASSOCIATED FACILITIES

### (A) Manufactured Home Parks, Recreational Vehicle Parks, and Recreation Camps.

Pursuant to ORC 3733 and 3720, manufactured home parks, recreational vehicle parks, recreation camps and temporary park-camps are regulated with respect to specific development standards by the Ohio Department of Health. Said use however, must be listed as a permitted use within the zoning district within which such use is proposed to be located.

### (B) Location of Permanently Sited Manufactured Homes and Industrialized Units

A permanently sited manufactured home or industrialized unit as defined in this Zoning Resolution is permitted in any district which a permits a single-family home. Such permanently sited manufactured homes or industrialized units shall comply with all zoning requirements that are uniformly imposed on all single-family residences in a district or zone.

### (C) Sales, Display and Storage of Manufactured Homes, Industrialized Units, Recreational Vehicles, and Portable Camping Units,

All sales, display and storage of manufactured homes, industrialized units, recreational vehicles and portable camping units are deemed commercial use and shall be located in appropriate commercial zoning districts.

### (D) Temporary Use of a Manufactured Home Unit

A manufactured home may be used as a temporary office or building incidental to construction of a building or development on the premises on which the manufactured home is located, only during the time that the construction or development is actively underway, and for a period not to exceed eighteen (18) months. Such starting date shall be determined with the issuance date of a building permit for the permanent structure.

### (E) Replacement of Manufactured Homes

Any lawfully existing manufactured home on an individual lot, and outside of an established manufactured home park, may not be replaced with another manufactured home, unless it is in full compliance with all provisions of this Zoning Resolution.

## 3.09 JUNK YARDS, JUNK MOTOR VEHICLE STORAGE, AND INOPERABLE MOTOR VEHICLE STORAGE

Junk yards, as defined herein are not permitted in any zoning district. Junk motor vehicle storage and inoperable motor vehicle storage are also not permitted within any zoning district. Vehicles meeting the definition of a historical motor vehicle are not included in the same category as junk or inoperable vehicles.

## 3.10 MINIMUM DWELLING SIZES

Except in areas that are zoned R-4 or SR-4, no dwelling, or manufactured home may be placed, erected, moved or constructed anywhere in such areas unless such dwelling provides more than 800 square feet of gross living area, exclusive of garages, breezeways, unfinished basements, or other spaces not typically used as year round living area. In areas that are zoned R-4 or SR-4, no dwelling, or manufactured home may be placed, erected, moved or constructed in such areas unless such dwelling provides more than 600 square feet of gross living area, exclusive of garages, breezeways, unfinished basements, or other spaces not typically used as year round living area.

## 3.11 AIRPORT RELATED USE REGULATIONS & AUGLAIZE COUNTY AIRPORT ZONING REGULATIONS

In recognition of the airport facility near New Knoxville, notwithstanding any other provisions of these Regulations, no use may be made of land or water within any zone established by these Regulations in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport. All communication towers, microwave towers, radio or television towers, high voltage, or low power transmission towers, or similar structures must comply with the Auglaize County Airport Zoning Regulations.

## 3.12 BUILDING SITE GRADING

Within all zoning districts, all lots shall be appropriately graded to provide for adequate movement of water away from the structure and toward drainage swales, street ditches, or storm sewers. Before any zoning permit for a principal structure is approved, a drainage plan must be provided, illustrating finished grades and directions of surface water flows. Such drainage plan shall be based upon the guidelines established in Water Management and Sediment Control for Urbanizing Areas, published by the United States Department of Agriculture, Soil Conservation Service, Columbus, Ohio, June 1978.

## 3.13 TEMPORARY USES

Within all zoning districts, except FP, temporary uses such as carnivals and church festivals may be allowed subject to the approval of the Board of Zoning Appeals in accordance with Chapter 23.

## 3.14 OUTSIDE STORAGE OF BOATS, RECREATIONAL VEHICLES AND UTILITY TRAILERS

In any zoning district which permits dwellings as a principal permitted use, the outside storage of a boat, recreational vehicle or utility trailer, for more than 48 hours, is prohibited unless all the following conditions are met:

1) Such boat, vehicle or trailer is intended for pleasure purposes and is not part of a business; and
2) Such vehicle is uninhabited; and
3) Such boat, vehicle, or trailer is parked in the side or rear yards; and
4) Such boat, vehicle, or trailer is at least five (5) feet from any adjoining property line.

## 3.15 REGULATION OF SIGNS AND OUTDOOR ADVERTISING

Commercial signs which identify a place of business, goods or services provided are regulated by this Resolution in accordance with the requirements of each zoning district. Outdoor advertising is also regulated according to Section 18.07. Zoning permits are required for these types of signs as described in Chapter 21.

The following types of signs do not require a zoning permit and are exempt from these regulations:

1) The flag, pennant or insignia of any nation, state, city or political unit, or any duly constituted government body.
2) Cornerstones or official historical signs.
3) Traffic directional signs, or any sign placed in a location by a duly constituted government body.
4) Political signs which are removed within 30 days following a given election.
5) Real estate for sale signs located on property for sale.
6) Agricultural signs that pertain to commodities produced on the premises.
7) Signs of a temporary nature that are removed from a property within 120 days, and do not re-appear.

# CHAPTER 4 - FLOODPLAIN OVERLAY DISTRICT

## 4.00 FLOODPLAIN OVERLAY ZONING DISTRICT (FPO)

This Overlay Zoning District is created to apply to areas within the regulatory floodplain, as defined by the Federal Emergency Management Agency and the National Flood Insurance Program. This Overlay Zoning District is created to help ensure that all new development is elevated or otherwise "floodproofed" in compliance with the Auglaize County Floodplain Regulations, and that land uses or activities which involve regulated or hazardous chemicals or substances are not permitted within the flood zone of Grand Lake St. Marys.

The boundaries of the Floodplain Overlay District have been placed on the Official St. Marys Township Zoning Map to generally reflect the most current available maps produced by the National Flood Insurance Program. In all cases, the limits of the floodplain are intended to be based on 100 year frequencies. All official determinations with regard to compliance with the Auglaize County Floodplain Regulations are to be made using official Flood Insurance Rate Map (FIRMs) produced by the Federal Emergency Management Agency and on file in the Office of the Auglaize County Engineer.

## 4.01 PRINCIPAL PERMITTED USES

With the exception of those prohibited uses described in Section 4.03 herein, any use that is allowed within the underlying zoning district is permitted provided evidence is shown that the proposed new structure or land use is in compliance with the Auglaize County Floodplain Regulations.

## 4.02 CONDITIONAL PERMITTED USES

With the exception of those prohibited uses described in Section 4.03 herein, any use that is conditionally permitted within the underlying zoning district is conditionally permitted provided evidence is shown that the proposed new structure or land use is in compliance with the Auglaize County Floodplain Regulations.

## 4.03 PROHIBITED USES

Regardless of whether a use is permitted or conditionally permitted in an underlying zoning district, no land use which involves the storage of materials that are flammable, or explosive, or involve the storage regulated or hazardous materials as defined and listed in the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), Title III of the Superfund Amendments and Reauthorization Act (SARA), and the Emergency Planning and Community Right to Know Act of 1986.

## 4.04 MINIMUM YARD SETBACKS FOR PRINCIPAL STRUCTURES

All principal structures shall meet the yard requirements defined in the underlying zoning district.

## 4.05 MINIMUM SETBACKS FOR ACCESSORY STRUCTURES

All accessory structures shall meet the yard requirements defined in the underlying zoning district.

## 4.06 MINIMUM LOT DIMENSIONS

All lots shall meet the yard requirements defined in the underlying zoning district.

## 4.07 HEIGHT LIMITATIONS

No structure shall exceed the height limits established in the underlying zoning district.

## 4.08 SIGN REGULATIONS

Maximum sizes, numbers and locations of signs are as regulated in the underlying zoning district.

# CHAPTER 5 - AGRICULTURAL DISTRICT (A-1)

## 5.00 AGRICULTURAL DISTRICT (A-1)

The A-1 Agricultural District is hereby created to define areas within St. Marys Township, Auglaize County, Ohio, exclusively reserved for agricultural cultivation, very low density residential development and other essentially non-urban activities so that the basically rural character of these areas may be preserved and maintained.

## 5.01 PRINCIPAL PERMITTED USE

The following use is permitted in the Agricultural Zoning District:

Agriculture.
Single Family Dwellings.
Churches.
Public or Private Schools.
Cemeteries.
Nurseries, including the sale of plant materials.
Public recreation facilities.
Farm Markets and Road-side Stands (See Section 5.08).
Accessory use such as private garages, swimming pools (see Section 18.08), and an accessory structure such as storage sheds.
Home Occupations (See Section 18.09).

## 5.02 CONDITIONALLY PERMITTED USES

The following use may be approved by the Board of Zoning Appeals in accordance with Section 23.04 in the Agricultural Zoning District.

Private recreational areas and facilities such as swimming pools, recreation clubs, summer camps, country clubs, and golf courses.
Restaurants, with indoor patron seating.
Use and structures which are customarily accessory to a principal use, on an individual lot without a principal use or structure.

## 5.03 MINIMUM YARD SETBACKS FOR PRINCIPAL STRUCTURES (SEE ALSO SECTION 18.03):

All principal structures shall meet the following yard requirements:

**(A) Front Yards:**
There shall be a minimum front yard depth of not less than eighty (80) feet from any State Highway and not less than thirty-five (35) feet from any County or Township Road measured from the right-of-way line.

**(B) Side Yards:**
There shall be a minimum side yard of twenty (20) feet.

**(C) Rear Yards:**
There shall be a minimum rear yard of forty (40) feet.

## 5.04 MINIMUM SETBACKS FOR ACCESSORY STRUCTURES

With the exception of road-side stands, bus stops, and farm markets offering the sale of agricultural products produced on the premises, accessory structures may not be located closer to a public right-of-way than the principal structure. All accessory structures also shall not be located closer than five (5) feet to any property line.

## 5.05 HEIGHT LIMITATIONS:

No dwelling or other structure shall exceed thirty-five (35) feet in height.

## 5.06 MINIMUM LOT DIMENSIONS

All lots shall have a minimum lot size of one (1) acre (43,560 square feet) excluding any public right-of-ways or access easements of record. All lots under five (5) acres in size must have a lot width to lot depth ratio that does not exceed 3 to 1.

## 5.07 SIGN REGULATIONS

All non-residential permitted use with the exception of home occupations may have one (1) illuminated sign with not more than twenty-five (25) square feet of total sign area.

## 5.08 SUBDIVISION OF LAND IN THE A-1 ZONING DISTRICT

In order to help preserve the rural character of rural parts of St. Marys Township, and to discourage random and scattered residential development, the subdivision of land in the A-1 District is limited as follows. Following the effective date of this Resolution, any tract of land existing as a single parcel, or as two (2) or more contiguous parcels in common ownership (including those across a road), may be subdivided, so as to provide no more than four (4) residential lots which are less than five (5) acres. All subdivision activity shall be accomplished in accordance with applicable subdivision regulations.

# CHAPTER 6 - LOW DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (R-1)

## 6.00 LOW DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (R-1)

The R-1 Low Density Single Family Residential District is hereby created to provide areas within St. Marys Township, exclusively reserved for single family residential development at a relatively low density. Such areas may or may not be served with central water or central sewers in the foreseeable future, but will likely remain in a semi-rural and larger lot suburban character.

## 6.01 PRINCIPAL PERMITTED USES

The following use is permitted in the Low Density Single Family Residential District:

Agriculture (outside platted subdivisions or subdivided areas - See Section 3.00).
Single family dwellings.
Public or private schools.
Pubic parks, playgrounds, or other non-commercial recreation facilities.
Accessory use such as private garages, swimming pools (See Section 18.08), and accessory structures such as storage sheds.
Home Occupations (see Section 18.09).

## 6.02 CONDITIONALLY PERMITTED USES

The following use may be approved by the Board of Zoning Appeals in accordance with Section 23.04 in the Low Density Residential District.

Agriculture (inside platted subdivisions or subdivided areas - See Section 3.00).
Private recreational areas and facilities such as swimming pools, recreation clubs, summer camps, country clubs, and golf courses.
Farm markets and road-side stands (See Section 18.11).
Uses and structures which are customarily accessory to a principal use, on an individual lot without a principal use or structure.
Cemeteries.
Churches.

## 6.03 MINIMUM YARD SETBACKS FOR PRINCIPAL STRUCTURES (SEE ALSO SECTION 18.03)

All principal structures shall meet the following yard requirements:

**(A) Front Yards:**
There shall be a minimum front yard depth of not less than thirty-five (35) feet measured from the right-of-way line.

**(B) Side Yards:**
There shall be a minimum side yard of fifteen (15) feet.

**(C) Rear Yards:**
There shall be a minimum rear yard of forty (40) feet.

## 6.04 MINIMUM SETBACKS FOR ACCESSORY STRUCTURES

All accessory structures shall meet the following yard requirements:

With the exception of road-side stands, bus stops, and farm markets, offering the sale of agricultural products produced on the premises, accessory structures may not be located closer to a public right-of-way than the principal structure. All accessory structures also shall not be located closer than five (5) feet to any property line.

## 6.05 HEIGHT LIMITATIONS

No dwelling or other structure shall exceed thirty-five (35) feet in height.

## 6.06 MINIMUM LOT DIMENSIONS

All residential lots shall have a minimum lot size of 43,560 square feet. All lots under five (5) acres in size must have a lot width to lot depth ratio that does not exceed 3 to 1.

## 6.07 SIGN REGULATIONS

All non-residential permitted use may have one illuminated sign with not more than twenty-five (25) square feet of total sign area.

# CHAPTER 7 - MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (R-2)

## 7.00 MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (R-2)

The R-2 Medium Density Single Family Residential District is hereby created in order that certain areas of St. Marys Township accommodate residential development of a more urban-suburban nature. Such development densities are required to be served with central sewer and/or a central water system and are characteristically a suburban residential development.

## 7.01 PRINCIPAL PERMITTED USE

The following use is permitted in the Medium Density Single Family Residential District:

Agriculture (outside platted subdivisions or subdivided areas - See Section 3.00).
Single family dwellings.
Public or private schools.
Accessory use such as private garages, swimming pools (see Section 18.08), and accessory structures such as storage sheds.
Home Occupations (See Section 18.09).

## 7.02 CONDITIONALLY PERMITTED USES

The following use may be approved by the Board of Zoning Appeals in accordance with Section 23.04 in the Medium Density Residential District.

Agriculture (inside platted subdivisions or subdivided areas - See Section 3.00).
Public recreation facilities.
Private recreational areas and facilities such as swimming pools, recreation clubs, summer camps, country clubs, and golf courses.
Farm markets and road-side stands (See Section 18.11).
Uses and structures which are customarily accessory to a principal use, on an individual lot without a principal use or structure.
Churches.
Cemeteries.

## 7.03 MINIMUM YARD SETBACKS FOR PRINCIPAL STRUCTURES (SEE ALSO SECTION 18.03)

All principal structures shall meet the following yard requirements:

### (A) Front Yards

There shall be a minimum front yard depth of not less than thirty-five (35) feet measured from the right-of-way line.

### (B) Side Yards

There shall be a minimum side yard width of not less than eight (8) feet on either side yard, and the combined side yard widths shall not be less than twenty (20).

### (C) Rear Yards:

There shall be a minimum rear yard of twenty-five (25) feet.

## 7.04 MINIMUM SETBACKS FOR ACCESSORY STRUCTURES

All accessory structures shall meet the following yard requirements:

With the exception of road-side stands and farm markets, offering the sale of agricultural products produced on the premises, accessory structures may not be located closer to a public right-of-way than the principal structure. All accessory structures also shall not be located closer than five (5) feet to any property line.

## 7.05 HEIGHT LIMITATIONS

No dwelling or other structure shall exceed thirty-five (35) feet in height.

## 7.06 MINIMUM LOT DIMENSIONS

All residential lots shall have minimum lot dimensions as follows:

| Public Water Available | Central Sewer Treatment Available | Minimum Lot Width | Lot Area Per Dwelling Unit* (SQ. FT) |
|---|---|---|---|
| YES | NO | 3 to 1 width to Depth Ratio | 43,560 |
| NO | YES | 75 | 10,800 |
| YES | YES | 75 | 9,450 |

* Net lot area exclusive of road right-of-way.

## 7.07 SIGN REGULATIONS

All non-residential permitted use may have one illuminated sign with not more than twenty-five (25) square feet of total sign area.

# CHAPTER 8 - SPECIAL MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (SR-2)

## 8.00 SPECIAL MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (SR-2)

The Special Medium Density Single Family Residential District (SR-2) is hereby created to provide for the orderly development and re-development of the southern part of the Sandy Beach Area of St. Marys Township, or potentially other areas of St. Marys Township where Medium Density Single Family development is deemed desirable.

## 8.01 PRINCIPAL PERMITTED USES

The following use is permitted in the Special Medium Density Single Family Residential District:

Agriculture (outside platted subdivisions or subdivided areas - See Section 3.00).
Single family dwellings.
Public or private schools.
Accessory use such as private garages, swimming pools (see Section 18.08), and accessory structures such as storage shed.
Home Occupations (See Section 18.09).

## 8.02 CONDITIONALLY PERMITTED USES

The following use may be approved by the Board of Zoning Appeals in accordance with Section 23.04 in the Special Medium Density Residential District.

Agriculture (inside platted subdivisions or subdivided areas - See Section 3.00).
Public recreation facilities.
Private recreational areas and facilities such as swimming pools, recreation clubs, summer camps, country clubs, and golf courses.
Farm markets and road-side stands (See Section 18.11).
Uses and structures which are customarily accessory to a principal use, on an individual lot without a principal use or structure.
Churches.
Cemeteries.

## 8.03 MINIMUM YARD SETBACKS FOR PRINCIPAL STRUCTURES (SEE ALSO SECTION 18.03)

All principal structures shall meet the following yard requirements:

### (A) Front Yards

There shall be a minimum front yard depth of not less than twenty-five (25) feet measured from the right-of-way line.

### (B) Side Yards

There shall be a minimum side yard width of not less than eight (8) feet on either side yard, and the combined side yard widths shall not be less than twenty (20).

### (C) Rear Yards

There shall be a minimum rear yard of twenty-five (25) feet.

## 8.04 MINIMUM SETBACKS FOR ACCESSORY STRUCTURES

All accessory structures shall meet the following yard requirements:

With the exception of road-side stands and farm markets, offering the sale of agricultural products produced on the premises, accessory structures may not be located closer to a public right-of-way than the principal structure. All accessory structures also shall not be located closer than 5 feet to any property line.

## 8.05 HEIGHT LIMITATIONS

No dwelling or other structure shall exceed thirty-five (35) feet in height.

## 8.06 MINIMUM LOT DIMENSIONS

All residential lots shall be served by central sewer and shall have a minimum of 7,800 square feet of lot area (net lot area exclusive of road right-of-way), and seventy-five (75) feet of frontage.

## 8.07 SIGN REGULATIONS

All non-residential permitted use may have one illuminated sign with not more than twenty-five (25) square feet of total sign area.

# CHAPTER 9 - HIGH DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (R-3)

## 9.00 HIGH DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (R-3)

The High Density Single Family Residential District is hereby created to provide for the orderly development and re-development of the Villa Nova area of St. Marys Township, or potentially other areas of St. Marys Township where Higher Density Single Family development is deemed to be desirable.

## 9.01 PRINCIPAL PERMITTED USE

The following use is permitted in the High Density Single Family Residential District:

Agriculture (outside platted subdivisions or subdivided areas - See Section 3.00).
Single family dwellings.
Public or private schools.
Accessory use such as private garages, swimming pools (see Section 18.08), and accessory structures such as storage sheds.
Home Occupations (See Section 18.09).

## 9.02 CONDITIONALLY PERMITTED USE

The following use may be approved by the Board of Zoning Appeals in accordance with Section 23.04 in the Special Medium Density Residential District.

Agriculture (inside platted subdivisions or subdivided areas - See Section 3.00).
Public recreation facilities.
Private recreational areas and facilities such as swimming pools, recreation clubs, summer camps, country clubs, and golf courses.
Uses and structures which are customarily accessory to a principal use, on an individual lot without a principal use or structure.
Churches.
Cemeteries.

## 9.03 MINIMUM YARD SETBACKS FOR PRINCIPAL STRUCTURES (SEE ALSO SECTION 18.03)

All principal structures shall meet the following yard requirements:

### (A) Front Yards:

There shall be a minimum front yard depth of not less than twenty-five (25) feet measured from the right-of-way line.

### (B) Side Yards:

There shall be a minimum side yard width of not less than eight (8) feet on either side yard, and the combined side yard widths shall not be less than twenty (20).

### (C) Rear Yards

There shall be a minimum rear yard of twenty-five (25) feet.

## 9.04 MINIMUM SETBACKS FOR ACCESSORY STRUCTURES

All accessory structures shall meet the following yard requirements:

With the exception of road-side stands and farm markets, offering the sale of agricultural products produced on the premises, accessory structures may not be located closer to a public right-of-way than the principal structure. All accessory structures also shall not be located closer than 5 feet to any property line.

## 9.05 HEIGHT LIMITATIONS

No dwelling, or other structure shall exceed thirty-five (35) feet in height.

## 9.06 MINIMUM LOT DIMENSIONS

All residential lots shall be served by central sewer and shall have a minimum of 6,750 square feet of lot area (net lot area exclusive of road right-of-way), and seventy-five (75) feet of frontage.

## 9.07 SIGN REGULATIONS

All non-residential permitted use may have one illuminated sign with not more than twenty-five (25) square feet of total sign area.

# CHAPTER 10 - SPECIAL MIXED HIGH DENSITY RESIDENTIAL DISTRICT (SR-4)

## 10.00 SPECIAL MIXED HIGH DENSITY RESIDENTIAL DISTRICT (SR-4)

The SR-4 Special Mixed High Density Residential District is hereby created to provide for the orderly development and re-development of the northern portions the Sandy Beach area, and potentially other areas of St. Marys Township. In this district, a mixture of all types of residential development is permitted with certain development standards and review procedures geared toward minimizing conflicts between land uses.

## 10.01 PRINCIPAL PERMITTED USES

The following use is permitted in the Special High Density Residential District:

Agriculture (Outside platted subdivisions or subdivided areas - See Section 3.00).
Single-family dwellings.
Two-family dwellings.
Multi-family dwellings.
Group Residential Facility (Class I, Type B).
Public or private schools.
Accessory use such as private garages, swimming pools (see Section 18.08), and accessory structures such as storage sheds.
Home Occupations (See Section 18.09).

## 10.02 CONDITIONALLY PERMITTED USES

The following use may be approved by the Board of Zoning Appeals in accordance with Section 23.04 in the High Density Residential District.

Agriculture (inside platted subdivisions or subdivided areas - See Section 3.00).
Group Residential Facility (Class I, Type A and Class II).
Public recreation facilities.
Private recreational areas and facilities such as swimming pools, recreation clubs, summer camps, country clubs, and golf courses.
Uses and structures which are customarily accessory to a principal use, on an individual lot without a principal use or structure.
Churches.
Cemeteries.
Day Care Centers.

## 10.03 MINIMUM YARD SETBACKS FOR PRINCIPAL STRUCTURES (SEE ALSO SECTION 18.03):

All principal structures shall meet the following yard requirements:

### (A) Front Yards

There shall be a minimum front yard depth of not less than twenty-five (25) feet measured from the right-of-way line.

### (B) Side Yards

There shall be a minimum side yard width of not less than eight (8) feet on either side yard, and the combined side yard widths shall not be less than twenty (20).

### (C) Rear Yards

There shall be a minimum rear yard of twenty-five (25) feet.

## 10.04 MINIMUM SETBACKS FOR ACCESSORY STRUCTURES

All accessory structures shall meet the following yard requirements:

With the exception of road-side stands and farm markets, offering the sale of agricultural products produced on the premises, accessory structures may not be located closer to a public right-of-way than the principal structure. All accessory structures also shall not be located closer than five (5) feet to any property line.

## 10.05 HEIGHT LIMITATIONS

No dwelling or other structure shall exceed thirty-five (35) feet in height.

## 10.06 MAXIMUM DENSITY

All single and two family dwellings shall be located on a lot served by a central sewer system with a minimum of 7,800 square feet of lot area (net lot area exclusive of road right-of-way), and seventy-five (75) feet of frontage.

Developments involving multi-family dwellings shall have a maximum density of 10 units per acre. The computation of the total land area excludes any public right-of-way that may abut a property, or may be integrated in such a development. A central water and sewer system is required for all multi-family development.

## 10.07 SITE PLAN REQUIREMENTS FOR RESIDENTIAL DEVELOPMENTS

Whenever a residential development is proposed in the SR-4 Zoning District, which involves private streets, drives, or shared facilities such as community rooms or shared laundry facilities, shared parking areas, or common recreation facilities, then such developments must provide a site plan to the St. Marys Township Zoning Commission for review and approval. This site plan shall include the following items described in Section 407.71 below. This review process is in addition to any review that may be required by applicable Subdivision Regulations.

## 10.08 SITE PLAN SUBMITTAL REQUIREMENTS

All site plans shall include the following items and shall be submitted along with an application form as described in Section 21.08. All items described may be shown on single or multiple drawings and a scale providing appropriate detail.

1) A drawing showing the location of all proposed buildings, driveways, streets, and parking areas. This includes identification of all building types and heights, as well as distances between separate buildings.

2) A drawing illustration of all areas proposed to be landscaped, as well as locations and descriptions of any recreation or community facilities.

3) A circulation plan showing all entrances and exits into and out of the proposed development and their relationship to driveways and street intersections adjacent to the proposed development.

## 10.09 SITE PLAN REVIEW REQUIREMENTS

All site plans submitted along with an application form as described in Section 805 shall be reviewed by the St. Marys Township Zoning Commission. Before approving such a plan, the St. Marys Township Zoning Commission must make the following determinations:

1) That proposed arrangement of buildings, private drives is acceptable in terms of area health, safety and welfare.

2) That appropriate measures have been taken to preserve environmental site amenities and that expected traffic flow into and out of the development can occur in a reasonably safe manner.

3) That proposed spaces between buildings are appropriate given site constraints, and circulation layouts.

4) That proposed parking areas are located so as to be accessible from buildings, appropriately screened from public roads, and attractively landscaped.

5) That proposed pedestrian circulation is functional and appropriately connected to adjacent development.

## 10.10 SITE PLAN REVIEW MEETING & APPROVAL

Before any site plan is approved by the St. Marys Township Zoning Commission, a public hearing shall be held which shall be advertised with at least 15 days notice. If afater receiving public input at the public hearing, the St. Marys Township Zoning Commission is satisfied that a proposed development meets the requirements in Section 10.09 above, then approval shall be granted. Action on a proposed plan must take place within 30 days from the date that the Zoning Inspector accepts the proposed plans and applications and finds them to be complete.

## 10.11 SIGN REGULATIONS

All non-residential permitted use may have one illuminated sign with not more than twenty-five (25) square feet of total sign area.

# CHAPTER 11 - HIGH DENSITY RESIDENTIAL DISTRICT (R-4)

## 11.00 HIGH DENSITY RESIDENTIAL DISTRICT (R-4)

The R-4 High Density Residential District is hereby created in order to provide suitable areas where multi-family residential development at a high density urban nature may be constructed. It is the intent of this Resolution that areas zoned R-4 be located appropriately in St. Marys Township with respect to highway access and proximity to services. It is also the intent of this Resolution that the R-4 District will provide area residents with wider choice of housing options and choices.

## 11.01 PRINCIPAL PERMITTED USES

The following use is permitted in the High Density Residential District:

Agriculture (Outside platted subdivisions or subdivided areas - See Section 3.00).
Multi-family dwellings.
Group Residential Facility (Class I, Type B).
Public or private schools.
Accessory use such as private garages, swimming pools (see Section 18.08), and accessory structures such as storage sheds.
Home Occupations (See Section 18.09).

## 11.02 CONDITIONALLY PERMITTED USES

The following use may be approved by the Board of Zoning Appeals in accordance with Section 23.04 in the High Density Residential District.

Agriculture (inside platted subdivisions or subdivided areas - See Section 3.00).
Group Residential Facility (Class I, Type A and Class II).
Public recreation facilities.
Private recreational areas and facilities such as swimming pools, recreation clubs, summer camps, country clubs, and golf courses.
Uses and structures which are customarily accessory to a principal use, on an individual lot without a principal use or structure.
Churches.
Cemeteries.
Day Care Centers.

## 11.03 MINIMUM YARD SETBACKS FOR PRINCIPAL STRUCTURES (SEE ALSO SECTION 18.03):

All principal structures shall meet the following yard requirements:

### (A) Front Yards:

There shall be a minimum front yard depth of not less than twenty-five (25) feet measured from the right-of-way line.

### (B) Side Yards

There shall be a minimum side yard width of not less than eight (8) feet on either side yard, and the combined side yard widths shall not be less than twenty (20).

### (C) Rear Yards

There shall be a minimum rear yard of twenty-five (25) feet.

## 11.04 MINIMUM SETBACKS FOR ACCESSORY STRUCTURES

All accessory structures shall meet the following yard requirements:

With the exception of road-side stands and farm markets, offering the sale of agricultural products produced on the premises, accessory structures may not be located closer to a public right-of-way than the principal structure. All accessory structures also shall not be located closer than five (5) feet to any property line.

## 11.05 HEIGHT LIMITATIONS

No dwelling or other structure shall exceed thirty-five (35) feet in height.

## 11.06 MAXIMUM DENSITY

Residential developments shall have a maximum density of 10 units per acre. The computation of the total land area excludes any public right-of-way that may abut a property, or may be integrated in a development. A central water and sewer system is required.

## 11.07 SITE PLAN REQUIREMENTS FOR RESIDENTIAL DEVELOPMENTS

Whenever a multi-family residential development is proposed in the R-4 Zoning District, which involves private streets, drives, or shared facilities such as community rooms or shared laundry facilities, shared parking areas, or common recreation facilities, then such developments must provide a site plan to the St. Marys Township Zoning Commission for review and approval. This site plan shall include the following items described in Section 11.08 below. This review process is in addition to any review that may be required by applicable Subdivision Regulations.

## 11.08 SITE PLAN SUBMITTAL REQUIREMENTS

All site plans shall include the following items and shall be submitted along with an application form as described in Section 21.08. All items described may be shown on single or multiple drawings and a scale providing appropriate detail.

1) A drawing showing the location of all proposed buildings, driveways, streets, and parking areas. This includes identification of all building types and heights, as well as distances between separate buildings.
2) A drawing illustration of all areas proposed to be landscaped, as well as locations and descriptions of any recreation or community facilities.
3) A circulation plan showing all entrances and exits into and out of the proposed development and their relationship to driveways and street intersections adjacent to the proposed development.

## 11.09 SITE PLAN REVIEW REQUIREMENTS

All site plans submitted along with an application form as described in Section 21.08 shall be reviewed by the St. Marys Township Zoning Commission. Before approving such a plan, the St. Marys Township Zoning Commission must make the following determinations:

1) That proposed arrangement of buildings, private drives is acceptable in terms of area health, safety and welfare.

2) That appropriate measures have been taken to preserve environmental site amenities and that expected traffic flow into and out of the development can occur in a reasonably safe manner.

3) That proposed spaces between buildings are appropriate given site constraints, and circulation layouts.

4) That proposed parking areas are located so as to be accessible from buildings, appropriately screened from public roads, and attractively landscaped.

5) That proposed pedestrian circulation is functional and appropriately connected to adjacent development.

6) That adequate landscaping, buffering and screening is provided to minimize any adverse impacts that might occur with any adjacent residential development.

## 11.10 SITE PLAN REVIEW MEETING & APPROVAL

Before any site plan is approved by the St. Marys Township Zoning Commission, a public hearing shall be held which shall be advertised with at least 15 days notice. If after receiving public input, at the public hearing, the St. Marys Township Zoning Commission is satisfied that a proposed development meets the requirements in Section 11.09 above, then approval shall be granted. Action on a proposed plan must take place within 30 days from the date that the Zoning Inspector accepts the proposed and plans and applications and finds them to be complete.

## 11.11 SIGN REGULATIONS

All non-residential permitted use may have one illuminated sign with not more than twenty-five (25) square feet of total sign area.

# CHAPTER 12 - MANUFACTURED HOME PARK DISTRICT (MHP)

## 12.00 MANUFACTURED HOME PARK DISTRICT (MHP)

The MHP District is hereby created in order to provide suitable areas for the development of manufactured home parks. Specific standards with respect to design of manufactured home parks are regulated by the Ohio Department of Health pursuant to Chapter 3733 of the ORC. Areas must however be zoned "MHP" in order for a new manufactured home park to be constructed within St. Marys Township. Manufactured home parks are intended to be located in areas that are adequately served by essential public services and facilities such as; transportation, drainage, schools, police protection, fire protection and emergency medical services.

## 12.01 PRINCIPAL PERMITTED USE

The following use is permitted in the MHP District:

Agriculture.
Manufactured Home Parks.
Child care facilities & nursery schools.
Private recreation facilities for residents.
Home Occupations (See Section 18.09).
Accessory use such as private garages or storage sheds.

## 12.02 CONDITIONALLY PERMITTED USE

The following use may be approved by the Board of Zoning Appeals in accordance with Section 23.04 in the MHP District.

Mini-Storage facilities.
Manufactured home sales.

## 12.03 HEIGHT LIMITATIONS

No Dwelling or other structure shall exceed thirty-five (35) feet in height.

# CHAPTER 13 - RECREATION DISTRICT (REC)

## 13.00 RECREATION DISTRICT (REC)

The REC Recreation District is hereby created to provide for the orderly development of recreation oriented residential development.

## 13.01 PRINCIPAL PERMITTED USE

The following use is permitted in the REC District:

Agriculture.
Recreational vehicle parks or recreation camps.
Nature preserves, hiking trails, wildlife areas.
Baseball fields swimming pools, horseback riding.
Public or private boat launches or boat rental.
Bait and tackle shops.
Accessory use such as private garages or storage sheds.

## 13.02 CONDITIONALLY PERMITTED USE

The following use may be approved by the Board of Zoning Appeals in accordance with Section 23.04 in the REC District.

Private clubs.
Mini-Storage facilities.
Gasoline Service Stations.
Storage of boats, or recreational vehicles.
Private Clubs.

## 13.03 MINIMUM YARD SETBACKS FOR PRINCIPAL STRUCTURES (SEE ALSO SECTION 18.03 AND 18.04).

All principal structures shall meet the following yard requirements:

### (A) Front Yards

There shall be a minimum front yard depth of not less than thirty-five (35) feet from any public road measured from the right-of-way line.

### (B) Side Yards:

There shall be a minimum side yard of fifteen (15) feet.

### (C) Rear Yards:

There shall be a minimum rear yard of twenty-five (25) feet.

## 13.04 MINIMUM SETBACKS FOR ACCESSORY STRUCTURES

All accessory structures shall not be located closer than five (5) feet to any property line.

## 13.05 HEIGHT LIMITATIONS

No structure shall exceed thirty-five (35) feet in height.

## 13.06 MAXIMUM SIGN AREA

Within the REC zoning district, the maximum total sign area for any one business shall be seventy-five (75) square feet. This maximum includes all sign area including both sides of a free standing sign.

## 13.07 MAXIMUM SIGN NUMBER AND LOCATION

Within the REC zoning district, each commercial use may have up to three signs, which may include wall signs, roof signs, and free standing signs. Under no circumstances shall a sign be placed in the public right-of-way.

## 13.08 MAXIMUM HEIGHT OF FREE STANDING SIGNS

No free standing sign in the REC zoning district shall have a height of over fifteen (15) feet.

## 13.09 SIGN ILLUMINATION

All external lights shall be placed so as to illuminate only the sign itself and shall not shine on any adjacent property.

# CHAPTER 14 - NEIGHBORHOOD COMMERCIAL DISTRICT (C-1)

## 14.00 NEIGHBORHOOD COMMERCIAL DISTRICT (C-1)

The C-1 Neighborhood Commercial District is hereby created in order to provide areas where limited commercial development may occur in suitable locations. Uses allowed in the C-1 District include the commercial use which primarily serves an immediate neighborhood area with goods and services.

## 14.01 PRINCIPAL PERMITTED USE

The following use is permitted in the C-1 District:

Agriculture (Outside platted subdivisions or subdivided areas - See Section 3.00).
Restaurants.
Professional offices.
Service businesses such as barber & beauty shops.
Florists, nurseries & greenhouses.
Antique sales.
Farm markets.
Grocery stores.
Outdoor Advertising (See Section 18.07).
Convalescent homes and day care facilities.
Accessory use such as private garages, swimming pools (see Section 18.08), and accessory structures such as storage sheds.

## 14.02 CONDITIONALLY PERMITTED USE

The following use may be approved by the Board of Zoning Appeals in accordance with Section 23.04 in the C-1 District.

Agriculture (inside platted subdivisions or subdivided areas - See Section 3.00).
Private clubs.
Mini-Storage facilities.
Churches.
Cemeteries.

## 14.03 MINIMUM YARD SETBACKS FOR PRINCIPAL STRUCTURES (SEE ALSO SECTION 18.03 AND 18.04).

All principal structures shall meet the following yard requirements:

### (A) Front Yards

There shall be a minimum front yard depth of not less than eighty (80) feet from any State Highway and not less than thirty-five (35) feet from any County or Township Road measured from the right-of-way line.

### (B) Side Yards

There shall be a minimum side yard of fifteen (15) feet.

### (C) Rear Yards

There shall be a minimum rear yard of twenty-five (25) feet.

## 14.04 MINIMUM SETBACKS FOR ACCESSORY STRUCTURES

All accessory structures shall not be located closer than 5 feet to any property line.

## 14.05 HEIGHT LIMITATIONS

No structure shall exceed thirty-five (35) feet in height.

## 14.06 MAXIMUM SIGN AREA

Within the C-1 zoning district, the maximum total sign area for any one business shall be seventy-five (75) square feet. This maximum includes all sign area including both sides of a free standing sign.

## 14.07 MAXIMUM SIGN NUMBER AND LOCATION

Within the C-1 zoning district, each commercial use may have up to three (3) signs, which may include wall signs, roof signs, and free standing signs. Under no circumstances shall a sign be placed in the public right-of-way.

## 14.08 MAXIMUM HEIGHT OF FREE STANDING SIGNS

No free standing sign in the C-1 zoning district shall have a height of over fifteen (15) feet.

## 14.09 SIGN ILLUMINATION

All external lights shall be placed so as to illuminate only the sign itself and shall not shine on any adjacent property.

## 14.10 DRIVEWAYS ALONG STATE ROUTES

All driveways along State Routes shall meet ODOT requirements and specifications. In addition, where not in conflict with ODOT requirements, all commercial uses shall be limited to one driveway which shall be located as far as possible from any intersecting street (in the case of a corner lot) and as far as possible from any other driveways located on adjacent lots.

# CHAPTER 15 - GENERAL COMMERCIAL DISTRICT (C-2)

## 15.00 GENERAL COMMERCIAL DISTRICT (C-2)

The C-2 General Commercial District is hereby created in order to provide suitable areas where most forms of commercial development may occur in suitable locations along principal thoroughfares. Uses allowed in the C-2 District include the commercial use which primarily serves large regional areas with goods and services.

## 15.01 PRINCIPAL PERMITTED USES

The following use is permitted in the C-2 District:

Agriculture (Outside platted subdivisions or subdivided areas - See Section 3.00).
All use permitted in the C-1 zoning district.
Hotels and motels.
Furniture sales.
General retail of goods produced off the premises, including auto sales.
Department stores.
Auto service stations and auto repair.
Truck stops.
Hospitals.
Boat and recreational vehicle sales and storage.
Miniature golf and bowling alleys.
Bars and taverns.
Hospitals.
Outdoor Advertising (See Section 18.07).
Auto washing facilities.
Accessory use such as private garages, swimming pools (see Section 18.08), and accessory structures such as storage sheds.

## 15.02 CONDITIONALLY PERMITTED USES

The following use may be approved by the Board of Zoning Appeals in accordance with Section 23.04 in the C-2 District.

Agriculture (inside platted subdivisions or subdivided areas - See Section 3.00).
Lumber yards, and building material sales.
Food and agricultural products processing facilities.
Wholesale businesses or warehousing, when no processing, fabrication or assembly is involved, and when conducted totally within a building.
Storage of construction machinery and equipment.
Cemeteries.

## 15.03 MINIMUM YARD SETBACKS FOR PRINCIPAL STRUCTURES (SEE ALSO SECTION 18.03 AND 18.04).

All principal structures shall meet the following yard requirements:

**(A) Front Yards:**
There shall be a minimum front yard depth of not less than sixty (60) feet measured from the right-of-way line.

**(B) Side Yards:**
There shall be a minimum side yard of fifteen (15) feet.

**(C) Rear Yards:**
There shall be a minimum rear yard of twenty-five (25) feet.

## 15.04 MINIMUM SETBACKS FOR ACCESSORY STRUCTURES

All accessory structures shall not be located closer than five (5) feet to any property line.

## 15.05 HEIGHT LIMITATIONS

No structure shall exceed thirty-five (35) feet in height.

## 15.06 MAXIMUM SIGN AREA

Within the C-2 zoning district, the maximum total sign area for any one business shall be one hundred and fifty (150) square feet. This maximum includes all sign area including both sides of a free standing sign.

## 15.07 MAXIMUM SIGN NUMBER AND LOCATION

Within the C-2 zoning district, each commercial use may have up to three (3) signs, which may include wall signs, roof signs, and free standing signs. Under no circumstances shall a sign be placed in the public right-of-way.

## 15.08 MAXIMUM HEIGHT OF FREE STANDING SIGNS

No free standing sign in the C-2 zoning district shall have a height of over twenty-five (25) feet.

## 15.09 SIGN ILLUMINATION

All external lights shall be placed so as to illuminate only the sign itself and shall not shine on any adjacent property.

# CHAPTER 16 - GENERAL INDUSTRIAL DISTRICT (I-1)

## 16.00 GENERAL INDUSTRIAL DISTRICT (I-1)

This district is established to accommodate industrial use at appropriate locations within St. Marys Township.

## 16.01 PRINCIPAL PERMITTED USE

The following use is permitted in the I-1 District:

Agriculture.
The manufacture, compounding, processing, packing or treatment of such products as candy, cosmetics, wood products, drugs, perfumes, pharmaceutical, toiletries, and food products except the rendering or refining of fats and oils.
Warehousing and wholesaling.
Research laboratories and offices.
Newspaper and blueprinting establishments.
Contractors' yards and storage facilities provided however, that all equipment, tools and facilities shall be neatly arranged, stored or kept within a suitable building.
Manufacture of clothing, leather goods, and athletic equipment.
Metal processing such as fabrication, stamping extrusion, welding, finishing, polishing.
Assembly of small products, such as: cameras, clocks, jewelry, cutlery, kitchen utensils; electrical appliances such as lighting fixture irons, fans, toasters, toys; electrical equipment such as home radio and television, movie equipment; small electrical supplies and electrical components; hand tools, dies, engineering, medical and musical instruments and similar small steel products.
Plastic molding and extrusion.
Outdoor Advertising (See Section 18.07).

## 16.02 CONDITIONALLY PERMISSIBLE USE

The following use may be approved by the Board of Zoning Appeals in accordance with Section 1004 in the I-1 District.

Storage of petroleum products and gases under pressure.
Quarrying (See Section 18.10).
Landfills
Automotive Wrecking, Salvage, or Junk Facility (as defined herein and pursuant to ORC 4738.01)
Sexually-oriented Businesses as defined in Chapter 25 and more fully regulated in Section 18.12.

## 16.03 MINIMUM YARD SETBACKS FOR PRINCIPAL STRUCTURES (SEE ALSO SECTION 18.03 AND 18.04).

All principal structures shall meet the following yard requirements:

### (A) Front Yards:

There shall be a minimum front yard depth of not less than eighty (80) feet.

### (B) Side Yards:

There shall be a minimum side yard of fifteen (15) feet.

**(C) Rear Yards:**
There shall be a minimum rear yard of twenty-five (25) feet.

## 16.04 MINIMUM SETBACKS FOR ACCESSORY STRUCTURES

All accessory structures shall not be located closer than 5 feet to any property line.

## 16.05 HEIGHT LIMITATIONS

No structure shall exceed thirty-five (35) feet in height unless a height in excess thereof is approved by the Board of Zoning Appeals.

## 16.06 MAXIMUM SIGN AREA

Within the I-1 zoning district, the maximum total sign area for any one business shall be one hundred and fifty (150) square feet. This maximum includes all sign area including both sides of a free standing sign.

## 16.07 MAXIMUM SIGN NUMBER AND LOCATION

Within the I-1 zoning district, each commercial use may have up to three (3) signs, which may include wall signs, roof signs, and free standing signs. Under no circumstances shall a sign be placed in the public right-of-way.

## 16.08 MAXIMUM HEIGHT OF FREE STANDING SIGNS

No free standing sign in the I-1 zoning district shall have a height of over twenty-five (25) feet.

## 16.09 SIGN ILLUMINATION

All external lights shall be placed so as to illuminate only the sign itself and shall not shine on any adjacent property.

# CHAPTER 17 - PLANNED UNIT DEVELOPMENT DISTRICT (PUD)

## 17.00 PURPOSE

The purpose of the Planned Unit Development (PUD) is to achieve, to the greatest possible degree, land development which is responsive to the natural and environmental assets and liabilities of a given site. The PUD should be a well-integrated development in terms of major design elements such as roads, drainage systems, utilities, and open space. The PUD also allows greater design flexibility so that natural features may be protected and development concentrated in an innovative and efficient manner.

## 17.01 GENERAL REQUIREMENTS

A PUD may be located in any area of St. Marys Township where the applicant can demonstrate that a proposed development would meet the purpose of this Article. The tract of land proposed to be developed as a PUD must be owned, leased, or controlled by one (1) person or single entity, and must be at least ten (10) continuous acres in size.

## 17.02 PERMITTED AND CONDITIONAL USE

A developer may propose to include any mixture of and uses which are listed as being permitted or conditionally permitted in any zoning district (except for Industrial), with the following limitations: The proposed location of commercial use shall not have an adverse impact upon adjacent property or the public health, safety, and morals. Not more than thirty-five percent (35%) of the gross acres in a proposed development may be devoted to commercial use. Further, not more than twenty-five percent (25%) of the gross acres in a proposed development may be devoted to dwellings which are not detached single-family dwellings.

## 17.03 DEVELOPMENT STANDARDS

The following standards represent broad parameters under which all PUD developments must be designed:

### (A) Central Water & Sewer Facilities

All developments approved as a PUD must have central water and sewer facilities.

### (B) Clustering Residential Development & Density

Clustering residential development is encouraged to provide required common open space. Overall, the area devoted to residential land use shall have a maximum overall density of three (3) dwelling units per acre of land (net acres, excluding roads). This overall density may however, be clustered in particular areas of the development to a level of up to ten (10) dwelling units per net acre in any given area, provided however, that no less than forty (40) percent of the site is devoted to useful and desirable common open space established to provide recreational opportunities and to preserve unique environmental features on the site. Any proposed land use which is not residential shall not count toward a calculation of allowable density or required open space.

### (C) Maximum Impervious Surface

For all areas proposed for residential use in the development the amount of impervious surface proposed must not exceed fifty (50) percent of the total developed residential area. For all areas proposed for commercial use in the development, the amount of impervious surface proposed must not exceed seventy-five percent (75%) of the total commercial area. Impervious surfaces include but are not limited to, parking areas, loading areas, and roof tops.

### (D) Development Layout and Design:

Specific residential density as well as the development intensity of non-residential use and the development design and layout shall be based on the applicant's ability to provide sufficient evidence to the Township Zoning Commission and the Township Trustees that the overall development demonstrates excellence in design by properly considering: significant natural and historic features, topography, natural drainage patterns, roadway access and circulation, surrounding land use, the enhancement of the general welfare of the public, and aesthetically desirable land development. Attractive landscaped buffers shall be provided between incompatible land use and activities.

### (E) Front, Side & Rear Setback Standards for Perimeter Lots

All lots which are located along the perimeter of the PUD shall have minimum front, side and rear setbacks equal to those which would normally be specified in the applicable conventional zoning district for the particular land use.

### (F) Common Space:

A minimum of forty percent (40%) of the gross acres developed in the PUD shall be reserved for common open space for the residents of the area. This required amount of common space shall be established as open space forever and provisions shall be established for maintenance and care. The legal articles relating to any organization of property owners in the development charged with such open space maintenance is subject to review and approval by the St. Marys Township Zoning Commission and Trustees. The St. Marys Township Zoning Commission, and/or St. Marys Township Trustees may require as a condition of final approval, any evidence deemed necessary to document that the required common space will remain in its stated condition forever (including such legal documents as deed restrictions, conservation easements, etc.).

### (G) Front, Side, and Rear Setback Standards for Interior Lots:

Within the PUD, the standards for setbacks shall be fully described in the proposed preliminary and final development plan submitted in accordance with the requirements of this Article.

### (H) Off Street Parking and Loading Facilities

For all land use located within the PUD, the Parking and Loading standards contained in Chapter 19 shall be applied.

## 17.04 GENERAL PUD APPROVAL PROCEDURE

The applicant for a PUD must submit both a preliminary plan and a final development plan. Property must also be rezoned to PUD and the decision to approve a final development plan and to rezone a property PUD is done concurrently. The final development plan, together with all conditions, stipulations, and requirements become the zoning requirements for that particular property. All development restrictions described in the final development plan and supporting documents become the official zoning requirements of the subject property.

## 17.05 PRELIMINARY DEVELOPMENT PLAN SUBMISSION

The applicant shall submit ten (10) copies of a proposed preliminary plan to the Zoning Inspector along with the required application fee. The proposed preliminary development plan shall include the following:

### Background Information

(A) Name, address and phone of the applicant.

(B) Name and address of the registered surveyor, engineer and/or landscape architect who prepared the plan.

(C) Legal description of the property.

(D) Description of the present use of the property.

(E) A statement of the conceptual overview of the development.

(F) A description of the proposed provision of utilities.

(G) A description of proposed ownership and maintenance of open spaces.

(H) A description of the expected timing of the development.

(I) A list of property owners within 500 feet of the proposed development.

### Plan Drawing

(A) A vicinity map.

(B) A table showing the gross acreage devoted to various use.

(C) Location, type and density of development types.

(D) Conceptual drainage plan.

(E) Location of open spaces.

(F) Buffers between incompatible land use.

(G) Proposed street layout.

(H) Existing buildings, and any existing potential underground storage tanks.

(I) Overlay maps showing topography in 2 foot increments (derived from field survey or aerial photography), and soil types.

### Additional Information and Fees

The St. Marys Township Zoning Commission may require additional information such as maps, data, or reports including environmental impact studies. The applicant shall be responsible for all reasonable expenses incurred by the Township in reviewing the preliminary and final development plans or any modifications thereof. Such expenses are in addition to the application fees established by the St. Marys Township Trustees and may include professional service fees such as; legal fees and the fees for the services of other professionals such as; geologists, landscape architects, planners, engineers, environmental scientists, or architects, incurred in connection with reviewing the plans and prepared reports.

## 17.06 PRELIMINARY PLAN REVIEW

Within thirty (30) days following the submission of the required information, a public hearing shall be scheduled on the proposed plan. Notice of this hearing shall be published in a newspaper of general circulation at least fifteen (15) days prior to such hearing. Notice of this hearing shall also be sent to all property owners within five hundred (500) feet of the proposed development.

## 17.07 CRITERIA FOR APPROVAL OF A PRELIMINARY DEVELOPMENT PLAN

Within twenty (20) days following the public hearing referenced in Section 17.06 above, the St. Marys Township Zoning Commission shall act to approve, disapprove or conditionally approve the preliminary plan in accordance with the following criteria:

(A) That the benefits, improved arrangement, and the design of the proposed development justify the deviation from standard development requirements.

(B) That the use requested in the proposal is compatible with surrounding land use.

(C) That there are adequate public services (e.g. utilities, fire protection, emergency service, etc.) available to serve the proposed development.

(D) That the proposed development will not create overcrowding and/or traffic hazards on existing roads and/or intersections.

(E) That the arrangement of land use on the site properly consider topography, significant natural features, natural drainage patterns, views, and roadway access.

(F) That the clustering of development sites are shown to preserve any natural or historic features and provide usable common open space.

(G) That the proposed road circulation system is integrated and coordinated to include a hierarchically interconnection of interior roads as well as adequate outer-connection of interior collector streets with off-site road systems.

(H) That there are adequate buffers between incompatible land use.

(I) That the St. Marys Township Zoning Commission is satisfied that the developer possess the requisite financial resources to begin the project within the required one (1) year and complete the project within three (3) years or within the phasing schedule.

## 17.08 EFFECT OF APPROVAL OF THE PRELIMINARY DEVELOPMENT PLAN

The St. Marys Township Zoning Commission's approval of a preliminary plan will be considered an approval of the preliminary development plan in principle only. Approval of the preliminary plan does, therefore, not approve any development on the site nor shall it be construed to absolutely endorse a precise location of use, configuration of parcels, or engineering feasibility. Approval of the Preliminary Development Plan is necessary however, before the applicant may submit a Final Development Plan to the Zoning Commission and Township Trustees for approval and rezoning to PUD.

## 17.09 FINAL PLAN

The applicant shall submit ten (10) copies of the proposed Final Plan to the Township Zoning Inspector along with the required application fee. The final plan shall include all of the written information required for the preliminary plan application (See Section 17.05) revised as necessary and the specific description of permitted, conditionally permitted and accessory use to be allowed in each area of the development, and a copy of proposed deed restrictions.

(A) In addition to the information provided on the preliminary plan, the final plan shall be drawn to scale (1" to 100') and include:

(B) A survey of the proposed development site, showing dimensions and bearings of the property lines; area in acres; topography; and existing features of the development site, including major wooded areas, streets, easements, utility lines, and land use.

(C) The location and dimensions of all lots, setbacks, and building envelopes, as well as those of any primary and secondary leaching field envelopes;

(D) Engineering drawings and plans of sewer and water facilities as well as street and drainage systems.

(E) Landscaping plan for all buffers and other common areas.

(F) Architectural guidelines to apply throughout the development.

(G) The proposed names of all interior streets proposed for the development.

(H) Layout and dimensions of all parking and loading areas along with an indication of what they are to be built to serve.

## 17.10 FINAL PLAN AND REZONING APPROVAL PROCEDURE PROCESS

All PUD final plan submittals are deemed to be an application for amendment to this Zoning Resolution in accordance with Chapter 24. All procedures (notices, public hearings, and final action by the St. Marys Township Trustees), therein shall be followed in considering an application for a rezoning of the land in question to PUD. Upon approval of such application to rezone the property in question to PUD, the Zoning Districts Map shall be amended to designate the project area as "PUD". Thereafter, with the concurrent approval of the rezoning and final plan pursuant to the criteria stated in Section 414.13, all development restrictions and conditions described in the Final Plan shall become official requirements of the PUD.

## 17.11 CRITERIA OF APPROVAL - FINAL PLAN

The St. Marys Township Zoning Commission and St. Marys Township Trustees shall review the proposed Final Plan in accordance with the following criteria:

(A) That the proposed development advances the general health, safety and morals of St. Marys Township.

(B) That the St. Marys Township Zoning Commission and St. Marys Township Trustees are satisfied that the developer posses the requisite financial resources to begin the project within the required one (1) year and complete the project within three years or within the phasing schedule.

(C) That the interior road system, proposed parking, and any off-site improvements are suitable and adequate to carry anticipated traffic generated by and within the proposed development.

(D) That any exception from standard district requirements can be warranted by design and other amenities incorporated in the final development plan, in accordance with these PUD requirements.

(E) That the area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.

(F) That the existing and proposed utilities, including water and sewer service and drainage plan will be adequate for the population densities and non-residential use proposed in the PUD.

# CHAPTER 18 - SUPPLEMENTARY DISTRICT REGULATIONS

## 18.00 GENERAL

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

## 18.01 TEMPORARY BUILDINGS

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

## 18.02 REQUIRED TRASH AREAS

All commercial, industrial, and multi-family residential use which provide trash and/or garbage collection areas shall be enclosed on at least three (3) sides by a solid wall or fence of at least four (4) feet in height if such area is not within an enclosed building or structure. Provisions for adequate vehicu□lar access to and from such area or areas for collection of trash and/or garbage as determined by the zoning inspector shall be required.

## 18.03 SUPPLEMENTAL YARD REGULATIONS

In addition to all yard regulations specified in the each zoning district, the following provisions shall be required in the indicated circumstances.

### (A) Setback Requirements for Corner Buildings

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

### (B) Visibility at Intersections

On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede, or restrict vision, between a height of two and one-half (2 1/2) and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of intersection.

## 18.04 BUFFERING REQUIREMENTS

To secure a desirable transition between land in zoning districts, and land in REC, C-1, C-2, and I-1 zoning districts, it is required that additional yard setbacks be provided along with landscaping to provide a visual screen. For parcels of land which are zoned REC, C-1, C-2 or I-1, and which abut any property which is zoned R-1, R-2, SR-2, R-3, SR-4, R-4 and MHP, the required yard dimension for such yard shall be increased three (3) times and a landscaped buffer shall be provided on such commercial or industrial property in such side or rear yard. This landscaped buffer shall have plantings of trees and/or shrubs which will have a minimum height of four and one-half (4 1/2) feet within four (4) years and which will provide an opacity of one hundred percent (100%) in the summer and fifty percent (50%) in the winter.

## 18.05 SATELLITE DISH ANTENNAS

Free-standing satellite dish antennas or earth stations shall not be constructed or placed on a property without a zoning permit, nor shall they be constructed in any front or side yard. Such satellite dish antennas shall only be constructed to the rear of the residence or main structure. No satellite dish or earth station, including any concrete base slab or other substructure, shall be constructed less than eight (8) feet from any property line.

## 18.06 FENCES

Fences or walls are permitted in any district subject to the following supplemental regulations;

(A) All fences, except a temporary fence, shall require a building permit.

(B) No fence shall be erected that exceeds six (6) feet in height.

(C) No barbed wire shall be used in the construction of any fence in any residential district.

(D) No electrified fences are permitted in any residential district.

(E) All fences shall have the supporting structures erected on the inside of the enclosed area.

(F) All fences that are painted or stained shall be painted/stained the same color, design and scheme on both sides of the fence.

(G) All fences erected along the dimension line between lots shall be set back three (3) feet from said lot line unless said fence is in joint ownership of the owners of each lot.

(H) In all residential districts no boundary shall be erected which is more than three and one-half (3 1/2) feet in height above the plain of the finished grade of the lots at the division line between the lots unless a variance has been granted by the board of zoning appeals.

(I) Any fence, regulated by this resolution, that has for any reason been more than 60% destroyed, may only be replaced by a fence meeting the current zoning regulations.

(J) No fence shall be permitted in the front yard in any residential district without a variance being granted by the board of zoning appeals. Such fence must meet the requirements for setbacks, height and design as contained in the zoning resolution. Such fences, allowed by variance, in a front yard shall not be higher than two and one-half (2 ½) feet in height and shall not interfere with the visibility from a driveway or public right-of-way. The zoning inspector is empowered to cause all such obstructions to be removed in the interest of public safety.

(K) A privacy fence, which shall not exceed six (6) feet in height, may be erected in any rear or side yard around a patio or private swimming pool and may be attached to the residence as long as said fence meets the required side and rear setbacks for the zoning district and is of minimum size required to enclose said patio or pool.

## 18.07 OUTDOOR ADVERTISING

Where permitted in a zoning district, outdoor advertising such as billboards, outdoor advertising displays, or other outdoor advertising displays must meet the following requirements:

(A) Outdoor advertising signs, structures, or billboards of any size shall not be located within two hundred (200) feet of any street or road.

(B) Outdoor advertising signs, structures or billboards shall not be located within 1,500 feet of another outdoor advertising sign.

(C) Outdoor advertising signs, structures or billboards shall not be permitted within 1,000 feet of any building.

## 18.08 SWIMMING POOLS

Swimming pools which are capable of holding water to a depth at any point of one and one half (1 1/2) feet and have a total surface area of two hundred (200) or more feet are considered accessory use which must meet the following requirements:

(A) The pool area together with any associated walks or paved areas shall be located only in the rear of the principal structure and shall not be located closer than twenty (20) feet to any side or rear property line.

(B) The pool and any associated walks, or paved areas shall be enclosed by a fence or wall no less than four (4) feet in height and maintained in good condition with a lock. Such fences are required regardless of whether the pool is above ground.

## 18.09 HOME OCCUPATIONS

In any FP, AG, or R-1 Zoning District, residences are permitted to include a home occupation, provided the following conditions are met:

(A) No more than two (2) people are employed in the home occupation other than residents of the home.

(B) The space devoted to the home occupation shall not exceed thirty-three percent (33%) of the total floor area of the residence, nor shall it occupy more than fifty percent (50%) of a garage or similar accessory building.

(C) There shall be no external evidence of the home occupation, except for a single non-illuminated sign, affixed to the residence or accessory building of no more than eight (8) square feet in total sign area.

In any R-2, SR-2, R-3, SR-4, R-4, or MHP Zoning District, residences are permitted to include a home occupation, provided the following conditions are met:

(A) No people are employed in the home occupation other than residents of the home.

(B) The space devoted to the home occupation shall not exceed twenty-five percent (25%) of the total floor area of the residence, and no home occupation activity may take place within any garage or similar accessory building.

(C) There shall be no external evidence of the home occupation, except for a single non-illuminated sign, affixed to the residence or accessory building of no more than eight (8) square feet in total sign area.

(D) Off-street parking shall be provided for at least one (1) automobile.

## 18.10 QUARRYING

Where permitted, quarrying operations must meet State regulations administered by the Ohio Department of Natural Resource as well as the following requirements:

(A) Fences shall be constructed around the boundary of the operation with a height of at least six (6) feet.

(B) All open pits shall have a slope which is no more steep than vertical without overhangs or excessive backbreaks.

(C) Quarrying operations shall be limited to between the hours of 6:00 am and 8:00 pm.

(D) To guarantee the restoration, rehabilitation and reclamation of areas where mining has ceased, every new or expanded mining area shall provide a restoration and reclamation plan, along with a bond (or equivalent form of guarantee). This bond or equivalent guarantee shall be in an amount estimated to be sufficient to carry out the work at a point in time when the quarry is expected to cease operation. This estimate shall be produced by a third party deemed qualified and unbiased by the St. Marys Township Board of Zoning Appeals. Such bond shall guarantee that all work involved in the eventual restoration will be done in a satisfactory manner. The reclamation plan shall be approved by the Board of Zoning Appeals upon approval of the conditional use. The bond or equivalent form of guarantee shall be reviewed by the Auglaize County Prosecutors Office for proper form.

## 18.11 FARM MARKETS AND ROAD-SIDE STANDS

Farm Markets and Road-side Stands may not be located in the public right-of-way and shall provide off-street parking in accordance with Chapter 19. All points of ingress or egress shall not be located within fifty (50) feet of an intersecting street. All permanent, as well as, temporary structures are required to obtain a Zoning permit in accordance with Chapter 21.

## 18.12 SEXUALLY-ORIENTED BUSINESSES

Sexually-oriented businesses have additional regulations imposed to protect children from accidental or other exposure to adult materials not desired by most parents and because of the likelihood to produce harmful secondary health, safety, and aesthetic effects on residential neighborhoods and other specified land uses. These harmful effects are documented in previously published studies conducted by cities across the country, such as The City of Denver, City of New York, Indianapolis, Springfield Missouri, Kansas City Missouri, Boston Massachusetts, State of Minnesota, and Manatee County Adult Use Studies. Since sexually-oriented business uses have been proven to impact the quality of life of a community, the following regulations are established.

Sexually-Oriented Businesses are a conditional use within the General Industrial District (I-1) and are subject to the following conditions:

(A) No adult entertainment facility shall be established within 500 feet of any area zoned for residential use.

(B) No adult entertainment facility shall be established within a radius of 1000 feet of any school, library, or teaching facility, whether public or private, governmental or commercial, which includes schools, libraries, or teaching facilities if attended by persons under 18 years of age.

(C) No adult entertainment facility shall be established within a radius of 1,000 feet of any park, recreational facility, or camp attended by persons less than 18 years of age.

(D) No adult entertainment facility shall be established within a radius of 500 Feet of any other adult entertainment facility or within a radius of 500 feet of any two of the following establishments (or of anyone establishment which combines to any degree any two of the following activities), whether within St. Marys Township or any other political subdivision:

a. Establishments for the sale of beer or intoxicating liquor for consumption on the premises.

b. Pawn shops.

c. Pool or billiard halls.

d. Pinball palaces, halls, or arcades.

e. Dance-halls or discotheques.

(E) No adult entertainment facility shall be established within a radius of 1,000 feet of any church, synagogue, or permanent1y established place of religious, services which is attended by persons under 18 years of age.

(F) All building openings, entries, windows, etc., for adult uses shall be located, covered, or surfaced in such a. manner as to prevent a view into the interior from any public or semi-public area, sidewalk, or street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from public or semi-public areas.

(G) In granting any such conditional use, the BZA may prescribe any conditions that it deems necessary in the public interest. However no conditional use shall be approved by the BZA unless it finds that the use for which such approval is sought, is not 1ikely to be dangerous or detrimental to nearby properties, that the use will not be contrary to any program of conservation or improvement, either residential or, non-residential, or be contrary to the public safety, and general welfare of St. Marys Township.

(H) The measure of distances for purposes of this Section shall be from property line to property line along the shortest possible course, regardless of any customary or common route or path of travel, i.e., "as the crow flies".

(I) Nothing contained in this Code shall apply to the premises of any mainstream performance house or museum.

(J) Any establishment offering live dancing performances shall adhere to the following regulations:

a. The dancing performances shall be confined to a clearly defined stage or platform area that is elevated at least two feet above the normal floor elevation of the establishment.

b. There shall be a clearly defined and de1ineated three-foot "buffer" area or space between the aforesaid stage or platform and any area of the establishment in which customers are customarily seated and/or served. .

c. Said "buffer" zone shall be clearly and permanently delineated by rail, rope, enclosure, or other similar means.

d. All dancing or entertainment shall be confined to the stage or platform area as defined herein.

e. At no time during the performance shall the patrons or the entertainers be permitted to encroach on the defined "buffer" zone.

f. The entertainers and patrons are prohibited from commingling with or touching one another while the entertainers are on stage or platform.

## 18.13 SMALL WIND TURBINES

General requirements for small wind turbines are as follows:

(A) Small wind turbines and other wind powered generators, as defined in Chapter 25, are limited to a rated capacity of not more than 50kW.

(B) Small wind turbines and other wind powered generators shall be allowed only on parcels one (1) acre or greater in size.

(C) Small wind turbines and other wind-powered generators powered by an electric generator shall service only one residential structure per parcel.

(D) A small wind energy project, including tower, shall comply with all applicable state construction and electrical codes, and the National Electrical Code.

(E) The owner of a small wind turbine or other wind-powered generator must take reasonable steps to prevent and eliminate any interference with the transmission and reception of electromagnetic communications, such as microwave, radio, telephone, or television signals.

(F) Small wind turbine or other wind-powered generators must be on a freestanding tower or other approved reinforced structure. The use of additional supports including guy wires is subject to all other regulations provided within this resolution.

(G) The applicant shall provide proof of notification to adjacent property owners as required by Ohio revised Code Section 519.211 (telecommunication towers) and shall conform to ORC 519.213.

(H) A minimum distance between the ground and any protruding blades is 15 feet as measured at the lowest point of the arc of the blades to a point no lower than the average grade in and around the immediate tower area.

(I) The proposed small wind turbine and other wind-powered generator shall maintain a clear fall zone of no less than 110 % of total height of the structure from any property line, current or future structure, and public or private road right-of-way.

(J) Subject to the clear fall zone requirements, no part of the wind system structure, including guy wire anchors if applicable, shall be closer than twenty (20) feet to the property boundaries of subject parcel.

(K) On parcels zoned to permit residences, the size of a small wind turbine and other wind-powered generator structures are subject to the following size limitations. Subject sites with contiguous parcels of identical ownership may be considered as one larger parcel. In determining the height, grade shall be determined by averaging the area around the proposed location of the small wind turbine and other wind-powered generator:

| **Parcel Size** | **Maximum Tower Height** |
|---|---|
| 1 to 4.9 acres | 60 feet |
| 5 to 9.9 acres | 80 feet |
| 10 to 14.9 acres | 100 feet |
| 15 acres plus | 125 feet |

(L) On parcels where residential uses are not permitted, small wind turbine and other wind-powered generator structures are subject to the following size limitations. Subject sites with contiguous parcels of identical ownership may be considered as one larger parcel. In determining the height, grade shall be determined by averaging the area around the proposed location of the small wind turbine and other wind-powered generator:

| **Parcel Size** | **Maximum Tower Height** |
|---|---|
| 1 to 4.9 acres | 80 feet |
| 5 acres plus | 125 feet |

(M) Residential, commercial or industrial roof top and or combination units (utility lights with generators etc.) may be approved so long as no aspect of the maximum tower height is exceeded as stated above.

(N) Small wind turbine and other wind-powered generator towers shall not be artificially lit unless such lighting is required by the Federal Aviation Administration. If lighting is required, the applicant shall provide a copy of the FAA determination to establish the required markings and/or lights for the structure.

(O) Small wind turbines and other wind powered generators, as defined in Chapter 25 shall be limited to a rated capacity of not more than 50kW. All devises with a rated capacity greater than 50kW shall be prohibited except for public domain applications provided for by the Ohio Department of Public Utilities.

(P) Noise generated from the small wind turbine and other wind-powered generator shall not exceed 60dBA at the nearest residential property line and 75dBA at the nearest commercial or industrial property line. Failure to adhere to this provision shall constitute an automatic violation of this Resolution.

(Q) All tower support bases shall be made of reinforced concrete. Any other proposed construction method shall meet all federal or state requirements for wind tower base construction.

(R) Abandoned small wind turbines and other wind-powered generators shall be dismantled within six months. Units taken out of service for indefinite but temporary reasons shall provide the township with proof of proper and effective maintenance. Units without proper maintenance shall be considered abandon by the township.

(S) The small wind turbine and other wind-powered generator shall either be the stock color from the manufacturer or painted with an approved non-reflective, unobtrusive color that blends in with the surrounding environment.

(T) Prior to the installation of a small wind turbine and other wind-powered generator, a zoning permit must be obtained. The applicant shall provide a detailed drawing of the site along with manufacturer information stating the size, shape and character of the proposed small wind turbine and other wind-powered generator. Information shall include generator kilowatt information, unit decibel criteria, tower height and construction specifications, shadow flicker potential, fencing information, clear fall zone, lighting plans and landscaping/buffering plans, plus any other information deemed necessary by the township.

## 18.14 OUTDOOR FURNACES

Outdoor furnaces, as defined in Chapter 25, are considered to be accessory uses and may only be located in the Agricultural District (A-1). In all cases, outdoor furnace structures may not be located closer than 50 feet to any lot line.

# CHAPTER 19 - OFF STREET PARKING AND LOADING FACILITIES

## 19.00 GENERAL REQUIREMENTS

No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this resolution. Whenever a building or structure constructed after the effective date of this resolution is changed or enlarged in floor area, number of dwelling units, seating capacity, or otherwise to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change.

## 19.01 PARKING SPACE DIMENSIONS

A parking space shall have minimum rectangular dimensions of not less than ten (10) feet in width and nineteen (19) feet in length for ninety (90) degree parking, ten (10) feet in width and twenty-three (23) feet in length for parallel parking, ten (10) feet in width and nineteen (19) feet in length for sixty (60) degree parking, and twelve (12) feet in width and nineteen (19) feet in length for forty-five (45) degree parking. All dimensions shall be exclusive of driveways, aisles, and other circulation areas.

## 19.02 LOADING SPACE REQUIREMENTS AND DIMENSIONS

One off street loading space shall be provided and maintained on the same lot for every use requiring delivery of goods and having a gross floor area of 5,000 square feet or more.

## 19.03 DRAINAGE

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

## 19.04 SCREENING AND/OR LANDSCAPING

Whenever a parking area is located in or adjacent to a residential district it shall be effectively screened on all sides which adjoin or face any property used for residential purpose, by a designed wall, fence, or planting screen. Such fence, wall, or planting screen shall be not less than four (4) feet nor more than six (6) feet in height and shall be maintained in good condition.

## 19.05 MINIMUM SETBACK AND LANDSCAPING

All parking lots shall be set back at least ten (10) feet from front, rear, and side lot boundaries.

## 19.06 PARKING SPACE REQUIREMENTS

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

| TYPE OF USE | MINIMUM PARKING SPACES REQUIRED |
|---|---|
| **Residential** | |
| 1.Single family or two family dwelling | Two for each unit. |
| 2. Apartments, or multi-family dwellings. | Two for each unit. |
| 3. Boarding house, rooming house, dormitories and fraternity house which have sleeping rooms. | One for each sleeping room or two for each permanent occupant. |
| **Commercial** | |
| 1. Automobile service garage which also provides repair. | Two for each gasoline pump, and four for each service bay. |
| | |
| 2. Hotels, motels. | One per each sleeping room, plus one space for each two employees. |
| 3. Funeral parlors, mortuaries and similar type use. | One for each 100 square feet of floor area in parlor. |
| **Business, Recreational, or Entertainment** | |
| 1.Dining rooms, restaurants taverns, night clubs | One for each 200 square feet of floor area. |
| 2.Bowling alleys | Four for each alley or lane plus one additional space for each 100 square feet of the area used for restaurant, cocktail lounge, or similar use. |
| 3. Dance floors, skating rinks. | One for each 100 square feet of floor area used for the activity. |
| 4. Outdoor swimming pools, public or community or club. | One for each five persons capacity plus one for each four seats or one for each 30 square feet floor area used for seating purpose whichever is greater. |
| 5. Auditoriums, sport arenas, theaters, similar uses. | One for each four seats. |
| 6. Retail store. | One for each 250 square feet of floor area. |
| 7. Banks, financial institutions and similar use. | One for each 200 square feet of floor area. |
| 8. Offices, public or professional administration, or service building. | One for each 400 square feet of floor area. |
| 9. All other types of business or commercial use permitted in any business district.. | One for each 300 square feet of floor area |
| **Institutional** | |
| 1. Churches and other places of religious assembly. | One for each five seats. |
| 2. Hospitals. | One for each bed. |
| 3. Sanitariums, home for the aged, nursing homes, asylums, and similar use. | One for each two beds. |
| 4. Medical and dental clinics. | One for every 200 square feet of area of examination, treating room office, and waiting room. |
| 5. Libraries, museums, and art galleries. | One for each 400 square feet of floor area. |
| **Schools (Public, Parochial, or Private)** | |
| 1. Elementary and junior high schools. | Two for each classroom and one for every eight seats in auditorium or assembly hall |
| 2. High schools. | One for every ten students and one for each teacher and employee. |
| 3. Business, technical, and trade schools. | One for each two students. |
| 4. Colleges, universities | One for each four students. |
| 5. Kindergartens, child care centers, nursery schools, and similar use. , | Two for each classroom but less than six for the building. |
| **Manufacturing** | |
| 1. All types of manufacturing, storage, and wholesale use permitted in a district | One for every one employee (on the largest shift for which the building is designed) plus one for each motor vehicle used in the business. |

## 19.07 GENERAL INTERPRETATION OF THIS CHAPTER

In the interpretation of the above, the following rules shall govern:

Parking spaces for other permitted or conditional use not listed in this article shall be determined by the Board of Zoning Appeals upon an appeal from a decision of the zoning inspector.

Fractional numbers shall be increased to the next whole number.

# CHAPTER 20 - NON-CONFORMITIES

## 20.00 INTENT

Within the districts established by this Resolution or amendments that may later be adopted there exists lots, use of land, structures, and use of structures and land in combination which were lawful before this resolution was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this resolution or future amendments. It is the intent of this Resolution that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or use prohibited elsewhere in the same district.

## 20.01 NONCONFORMING LOTS OF RECORD

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this resolution, notwithstanding limitations imposed by other provisions of this resolution. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership.

If two (2) or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this resolution and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purpose of this resolution and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this resolution, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this resolution.

## 20.02 NON-CONFORMING USE OF LAND

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

No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied by such use at the effective date of or amendment of this resolution.

No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of or amendment of this resolution.

If any such non-conforming use of land is discontinued or abandoned for more than two (2) years (except when government actions impede access to the premises), any subsequent use of land shall conform to the regulations specified by this resolution for the district in which such land is located.

No additional structure not conforming to the requirements of this resolution shall be erected in connection with such non-conforming use of land.

## 20.03 NON-CONFORMING STRUCTURES

Where a lawful structure exists at the effective date of adoption or amendment of this Resolution that could not be built under the terms of this Resolution by reason of restriction on area, lot coverage, height, yards, its location on the lot, or bulk, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity. For example, a building which has an existing side yard setback of 10 feet, and is located in a zoning district which requires a 20 foot side yard setback, may not be enlarged upon so that the existing 10 foot side yard setback is further reduced to below 10 or lengthened along that side yard.

Should such non-conforming structure or non-conforming portion of structure be destroyed by any means, it shall not be reconstructed except in conformity with the provisions of this resolution.

Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

## 20.04 NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND LAND IN COMBINATION.

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

1.No existing structure devoted to a use not permitted by this Resolution in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;

2.Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Resolution, but no such use shall be extended to occupy any land outside such building;

3.If no structural alterations are made, any nonconforming use of a structure or structure and land in combination, may, upon appeal to the Board of Zoning Appeals, be changed to another nonconforming use provided that the Board of Zoning Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other provisions of this Resolution;

4. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed;

5.When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), the structure, or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located;

6. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

## 20.05 TERMINATION OF USE BY DAMAGE OR DESTRUCTION.

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

shall be permitted except in conformity with all applicable regulations of this Resolution and the following conditions:

1. A Zoning Permit pertaining to such restoration shall be applied for and issued within one (1) year of such destruction, and rebuilding shall be diligently pursued to completion.

2. Such restoration shall not cause a new nonconformity, nor shall it increase the degree of nonconformance or noncompliance existing prior to such damage or destruction.

## 20.06 REPAIRS AND MAINTENANCE.

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became nonconforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official. Where appropriate, a permit for such activities shall be required.

# CHAPTER 21 - ENFORCEMENT

## 21.00 ZONING INSPECTOR

A St. Marys Township Zoning Inspector shall be appointed by the St. Marys Township Trustees and he or she may receive such compensation and reimbursement of expenses as determined by the Township Trustees.

## 21.01 ZONING INSPECTORS BOND

In accordance with ORC 519.161, the Zoning Inspector shall provide a bond conditioned upon the faithful performance of his or her official duties.

## 21.02 ZONING INSPECTORS RESPONSIBILITIES

The St. Marys Township Zoning Inspector shall have the following responsibilities:

(A) Review Applications for Zoning Permits.

(B) On-Site inspections.

(C) Investigation of Violations.

(D) Maintain records of zoning activity including non-conforming and conditional use.

## 21.03 ZONING PERMITS REQUIRED

No building or other structure, including temporary structure, shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a permit therefore, issued by the zoning inspector. Zoning permits shall be issued only in conformity with the provisions of this Resolution unless the zoning inspector receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use, or variance. There are four (4) types of zoning permits as defined hereunder:

## 21.04 CONSTRUCTION PERMIT

Before any structure, as defined in this Resolution is built, erected, enlarged, or placed on a property, a construction permit is required. The Zoning Inspector shall issue such a construction permit when he or she is satisfied that according to the information submitted by the applicant, the proposed structure will conform with all requirements of this Resolution. Such permits shall be displayed on the subject property until construction is completed.

## 21.05 USE PERMIT

When no new construction or alternation of an existing structure is involved, and when the use of a property or structure changes, a use permit is required. The Zoning Inspector shall issue such a use permit when he or she is satisfied that, according to the information submitted by the applicant, such change of use does conform to the requirements of this Resolution.

## 21.06 CONDITIONAL USE PERMIT

As described in Section 1004 the Board of Zoning Appeals has the authority to issue a conditional use permit. Such permits authorize one particular use with or without specific conditions required by the Board of Zoning Appeals.

## 21.07 SIGN PERMIT

Before any sign, except those exempted in Section 318, may be placed, constructed, or structurally altered, on or attached to a building, or on a parcel of land, a sign permit is required.

## 21.08 APPLICATION FORMS

The St. Marys Township Trustees shall approve application forms for all types of activities and procedures to be used by the Zoning Inspector, as well as the Board of Zoning Appeals and Zoning Commission. Nothing herein, or within the application forms themselves shall preclude a requirement for an applicant providing additional information needed to determine if a proposed activity would be in conformance with this Resolution. The application for zoning permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. At a minimum, three (3) copies of the application shall be submitted.

## 21.09 APPROVAL OF ZONING PERMIT

Within twenty (20) days after the receipt of an application, the zoning inspector shall either approve or disapprove the application in conformance with the provisions of this resolution. All zoning permits shall, however, be conditional upon the commencement of work within six (6) months. One copy of the plans shall be retained by the zoning inspector. The zoning inspector shall issue a placard upon payment of a fee as designated in a resolution established by the St. Marys Township Trustees.

## 21.10 EXPIRATION OF ZONING PERMIT

If the work described in any zoning permit has not begun within six (6) months from the date of issuance thereof, said permit shall expire; it shall be revoked by the zoning inspector; and written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been substantially completed within twelve (12) months of the date of issuance thereof, said permit shall expire and be revoked by the zoning inspector, and written notice thereof shall be given to the persons effected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new zoning permit has been obtained.

## 21.11 PENALTIES FOR VIOLATION

Violation of the provisions of this resolution or failure to comply with any of its requirements, including a failure to obtain a zoning permit or violation of conditions and safeguards established in various sections of this resolution or failure to comply with any of its requirements, shall cause the violator thereof to be fined as set forth in Ohio Revised Code Section 519.99, and in addition, pay all costs and expenses involved in the case. Each day such violation continues, after receipt of a violation notice, may be considered a separate offense. The owner or tenant of any building, structure, premise, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense, and suffer the penalties herein provided. Nothing herein contained shall prevent the township from taking such other lawful action as is necessary to prevent or remedy any violation.

## 21.12 SCHEDULE OF FEES, CHARGES, AND EXPENSES

The Board of Township Trustees shall, by resolution, establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals, and other matters pertaining to the administration and enforcement of this resolu◆tion requiring investigations, inspections, legal advertising, postage, and other expenses. The schedule of fees shall be available in the office of the zoning inspector, and may be altered or amended only by the Board of Township Trustees. No permit will be issued until the appropriate fee has been paid, and no hearing or appeal will be conducted until the requested deposit has been posted with St. Marys Township. Applicants or appellants are responsible for all charges and expenses to conduct a hearing or appeal and will receive a refund or billing for the difference between their deposit and the total costs.

# CHAPTER 22 - ST. MARYS TOWNSHIP ZONING COMMISSION

## 22.00 COMPOSITION OF THE TOWNSHIP ZONING COMMISSION

The St. Marys Township Zoning Commission shall be composed of five (5) members who reside in the unincorporated area of the township and who shall be appointed by the Board of St. Marys Township Trustees. The terms of the members shall be of such length and so arranged that the term of one (1) member will expire each year. Each member shall serve until his successor is appointed and qualified.

Members of the Zoning Commission shall be removable for non-performance of duty, misconduct in office, or other cause, by the Board of Township Trustees, upon written charges being filed with the board, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged, at least ten (10) days prior to the hearing, either personally by registered mail or by leaving such copy at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the Board of Township Trustees and shall be for the unexpired term.

Members of the Zoning Commission may resign by written notice to the Board of St. Marys Township Trustees. Such vacancies shall be filled by the Board of Township Trustees for the remaining unexpired term.

## 22.01 ORGANIZATION

The Township Zoning Commission may, within the limits of the moneys appropriated by the Board of Township Trustees for the purpose, employ or contract with such planning consultants and executives and other assistants as it deems necessary. The Zoning Commission shall organize, adopt rules for the transaction of its business, and keep a written record of its actions and determinations. Members of the Zoning Commission may be allowed their expenses as the Board may approve and provide.

## 22.02 MEETINGS

Meetings of the Commission shall be held at the call of the Chairman and at such other times as a majority of the Commission determines. All meetings of the Commission shall be open to the public and advertised in accordance with the Ohio Revised Code. The Commission shall keep minutes of its proceedings showing the vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Township Trustees and be a public record. A quorum to conduct a meeting shall consist of at least three (3) members of the Zoning Commission.

## 22.03 DUTIES OF THE ZONING COMMISSION

The Township Zoning Commission shall have the following duties:

Initiate proposed amendments to this resolution.

Consider and review all proposed amendments to this resolution and make recommendations to the Board of Township Trustees,

Review all Planned Unit Developments and makes recommendations to the Board of Township Trustees.

# CHAPTER 23 - ST. MARYS TOWNSHIP BOARD OF ZONING APPEALS

## 23.00 ST. MARYS TOWNSHIP BOARD OF ZONING APPEALS

The St. Marys Township Board of Zoning Appeals shall consist of five (5) members who shall be residents of the unincorporated areas of St. Marys Township. The terms of all members shall be so arranged so that the term of one (1) member expires each year. Members shall be removable for the same cause and in the same manner as provided by sections 519.04 of the ORC. Vacancies shall be filled by the township trustees for the unexpired terms. Members of the Board of Zoning Appeals may resign by written notice to the Board of Township Trustees.

## 23.01 PROCEEDINGS OF THE BOARD OF ZONING APPEALS

The Board shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Resolution. Meetings shall be held at the call of the Chairman and at such other times as the Board may determine after advertisement in accordance with the Ohio Revised Code. The Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be filed in the office of the St. Marys Township Trustees and be a public record.

A quorum to conduct a meeting shall consist of at least three (3) members of the Board of Zoning Appeals.

## 23.02 POWERS OF THE BOARD OF ZONING APPEALS

The St. Marys Township Board of Zoning Appeals may:

(A) Hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Resolution.

(B) Authorize, upon appeal, in specific cases, such variance from the terms of the zoning resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the resolution will result in unnecessary hardship, and so that the spirit of the resolution shall be observed and substantial justice done.

(C) Grant conditional zoning certificates for the use of land, buildings, or other structures if such certificates for specific use are provided for in this Resolution.

(D) Revoke an authorized variance or conditional zoning certificate previously granted, if any condition of the variance or certificate is violated. The board shall notify the holder of the variance or certificate by certified mail of its intent to revoke the variance or certificate under this section and of his or her right to a earing before the Board of Zoning Appeals, within thirty (30) days of the mailing of the notice, if he so requests.

(E) Hear and decide upon all matters of interpretation of this Resolution. This includes interpretation of the text of this Resolution as well as the Zoning Map.

## 23.03 RULES, ORGANIZATION AND MEETINGS OF THE BOARD OF ZONING APPEALS

The Board of Zoning Appeals shall organize and adopt rules in accordance with the Zoning Resolution. Meetings of the Board of Zoning Appeals shall be held at the call of the Chairman, and at such other times as the board determines. The Chairman, or in his absence the Acting Chairman, may administer oaths, and the Board of Zoning Appeals may compel the attendance of witnesses. All meetings of the Board of Zoning Appeals shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of township trustees and be a public record.

Appeals, applications for conditional use, or other relevant matters may be taken before the Board of Zoning Appeals with the submittal of forms to the Zoning Inspector. Any Appeals of a decision made by the Zoning Inspector must be made within twenty (20) days following the decision or interpretation of the Zoning Inspector.

The Board of Zoning Appeals shall fix a reasonable time for the public hearing of the appeal, or other matter being brought before it, and shall give at least ten (10) days notice in writing to the parties in interest, and shall give notice of such public hearing by one (1) publication in one (1) or more newspapers of general circulation in the area at least ten (10) days before the date of such hearing. The applicant shall also furnish the names and addresses of all property owners (including those across the road) which directly adjoin the property in question, and notices of the public hearing shall be mailed to those adjoining property owners ten (10) days prior to the hearing.

## 23.04 GENERAL STANDARDS APPLICABLE TO CONDITIONAL USE

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

(A) Is in fact a conditional use as established under the provisions of this Resolution.

(B) Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the area.

(C) Will not be hazardous or disturbing to neighboring use.

(D) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.

(E) Will not create excessive additional public cost for public facilities and services and therefore will not be detrimental to the economic welfare of the community.

(F) Will not involve use, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odor.

(G) Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

(H) Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

(I) Will promote public health, safety, and morals.

In granting any conditional use, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this Resolution and punishable under Section 808 of this Resolution.

A conditional use permit shall be deemed to authorize only one particular conditional use and said permit shall automatically expire if, for any reason, the conditional use shall cease for a period of two (2) years.

## 23.05 GENERAL STANDARDS APPLICABLE TO VARIANCES

The Board of Zoning Appeals shall hear requests for variances to allow a deviation from the strict application of the dimensional standards and requirements within a given Zoning district. In no case shall the granting of a variance allow any type of change in use. The Board of Zoning Appeals shall only have the authority to hear and decide upon requests for variances from measurable development requirements such as yard dimensions, height limitations, lot sizes, number of parking spaces required, etc. Further, the Board of Zoning Appeals shall only grant variances when it finds that circumstances relating to the property result in the following conditions being true:

(A) The variance would not be contrary to the public interest.

(B) That owing to special conditions, literal enforcement of the zoning resolution will result in unnecessary hardship.

(C) That the spirit of the zoning resolution will be observed.

(D) That substantial justice will be done.

# CHAPTER 24 - AMENDMENTS

## 24.00 INITIATION OF ZONING AMENDMENTS

Amendments to this Resolution may involve an amendment of the text on this Resolution or the Zoning Map, and may be initiated in one of the following ways:

(A) By adoption of a motion by the Zoning Commission.

(B) By adoption of a Resolution by the Board of Township Trustees.

(C) By the filing of an application by at least one owner or lessee of property within the area proposed to be changed or affected by said amendment.

## 24.01 APPLICATIONS/FEES FOR AMENDMENTS

When an amendment is initiated by an owner or lessee of property within the area proposed to be affected by an amendment, an application shall be filed along with an application fee. The application form and the amount of the fee shall be specified by the Township Trustees in a separate Resolution. Applications for any amendment to the zoning map or any rezoning of any parcel, or group of parcels, shall be accompanied by a legal description of the subject property.

## 24.02 REFERENCE TO OHIO REVISED CODE FOR AMENDMENT OF ZONING RESOLUTION AND ZONING MAP

This Resolution may be amended in accordance with Section 519.12 et. seq. of the Ohio Revised Code

# CHAPTER 25 - DEFINITIONS

**"ACCESSORY STRUCTURE"** is a freestanding structure such as a garage, storage shed, outbuilding or pole barn which is customarily incidental to, and subordinate to, a principal structure on a property.

**"ACCESSORY USE"** is a use customarily incidental and subordinate to the principle use of the building located on the same lot as the principle use or building.

**ADULT BOOKSTORE; ADULT NOVELTY STORE, OR ADULT VIDEO STORE** means an establishment, from which minors are excluded; having as a substantial or significant portion of its stock for trade, sale, or rental of the following:

(A) Books, magazines, other periodicals or printed material photograph films, motion pictures, films, videocassettes, slides, computer media; or other visual representations which are characterized by depiction or description of specified sexual activities" or "specified anatomical areas", which are distinguished or characterized by their emphasis on matter depicting describing, or relating to specified sexual activities" or "specified anatomical areas."

(B) Instruments, devices, or paraphernalia which is designed for use or marketed primarily for stimulation of human genital organs for sadomasochistic use or abuse of themselves or others.

(C) An establishment may have other principal business purposes that. do not involve the offering for" sale, rental, or viewing of materials depicting or describing "specified sexual activities" or "specified anatomical areas", and still be categorized as, an adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishment from being categorized as an adult book store; adult novelty store, or adult video store so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, the specified materials which depict or describe "specified sexual activities" or "specified anatomical areas".

**ADULT CABARET** means a nightclub, bar, restaurant, bottle club, or similar establishment; whether or not alcoholic beverages are served, which features:

(A) persons who appear nude or in a state of-nudity or semi-nudity;

(B) live performances which are characterized by the exposure of "specified sexual activities" or "specified anatomical areas"; or

(C) films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

**ADULT DRIVE-IN THEATER** means a drive-in theater for presenting material distinguished or characterized by an emphasis on matter depicting, describing; or relating to "specified sexual activities'; or "specified anatomical areas" for observation by patrons.

**ADULT ENTERTAINMENT** means performances by topless and/or bottomless dancers, strippers or similar entertainers where such performances are characterized by the display or exposure of specified anatomical areas or specified sexual activities.

**ADULT ENTERTAINMENT FACILITIES** means any of the following uses: adult bookstores, adult novelty stores, adult video stores, adult drive-in theaters, adult photography studios. adult cabarets, massage0 establishments, .finger-painting studios; adult motels, adult motion picture theaters, or any other similar personal service or entertainment facilities which emphasize nudity and/or sexual activities as an entertainment medium.

**ADULT MOTEL** means a motel, hotel, or similar, commercial establishment which:

(A) Offers public accommodations for any form of consideration. which provides patrons with closed-circuit television transmissions, films, motion 'pictures, video cassettes, slides, or other photographic reproductions which are characterized by depiction or description of "specified sexual activities," or specified anatomical areas and which advertise the availability of sexually-oriented material by means of a sign visible from a public right-of.-way, or by means of any m off-premises advertising including but not limited to, newspapers, magazines, pamphlets, or leaflets, radios, or televisions; or

(B) Offers a sleeping room for rent for a period of less than ten hours; or

(C) Allows a tenant or occupant to sub-rent the sleeping room for a time period of less than ten hours.

**ADULT MINI -MOTION PICTURE THEATER** means an enclosed building with a capacity of less than fifty persons' used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

**ADULT MOTION PICTURE THEATER** means an enclosed building with a capacity of fifty or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to □specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

**"ALTERATION"** as applied to a building or structure, is a change or rearrangement in the structural parts, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

**"AUTO SERVICE STATION"** is any area of land, including any structure or structures thereon, that is or are used or designed to be used for the supply of gasoline, oil or other fuel for the propulsion of vehicles or boats. For the purpose of this Resolution, any area or structure used or designed to be used for polishing, greasing, washing, spraying, dry cleaning, or otherwise cleaning or servicing such motor vehicles, shall also be deemed to be an auto service station.

**"AUTOMOTIVE WRECKING, SALVAGE, OR JUNK FACILITY"** shall mean any facility in which the dismantling or wrecking of vehicles, as defined and regulated in ORC Section 4738, takes place. Such uses may include the storage or sale of junk vehicles, inoperable vehicles, or parts.

**"BUFFERS"** are landscaped areas with no structures or facilities located thereon, provided to protect the integrity of residential property when abutted by non-residential land use and located totally within the confines of said non-residential use.

**"BUILDING HEIGHT"** is the vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the ridge of a gambrel roof.

**"CONVALESCENT HOME"** is any dwelling with sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire.

**"CLEAR FALL ZONE"** the area, defined as the furthest distance from the tower base, in which a tower will fall in the event of a structural failure.

**"DECIBEL** (dBA)" A unit of relative loudness.

**"DWELLING"** means a building designed for human occupancy typically consisting of living rooms, dining rooms, bedrooms, closets, kitchens and bathrooms. A dwelling only includes an industrialized unit, as separately defined, a permanently sited manufactured home, as separately defined, or a conventional site-built structure.

**"DWELLING, ONE FAMILY"** is a building designed for, or occupied exclusively by, one family.

**"DWELLING, TWO FAMILY"** is a building designed for, converted or occupied exclusively by two families, living independently of each other.

**"DWELLING, MULTI FAMILY"** is a building designed for, converted or occupied exclusively by three or more families, living independently of each other.

**"ESCORT AGENCY"** is a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration. The escort is a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

**"FAMILY"** is one (1) or more persons related by marriage, adoption or immediate blood relationship occupying a premise and living as a single housekeeping unit, as distinguished from a group occupying a Boarding house, a lodging house, club fraternity or hotel.

**"FENCE"** an enclosure, barrier, or screen whose purpose is to physically and/or visually contain, one or more sides, uses or activities which are carried out on a particular lot.

**"FENCE TEMPORARY"** a fence designed to enclose a construction site or other temporary use and in place for 6 months or less.

**"GARAGE"** is an accessory building, or part of a residential structure that provide for the storage of automobiles and related activities.

**"GROUP RESIDENTIAL FACILITY"** shall mean any community residential facility, licensed and/or approved and regulated by the State Of Ohio, which provides rehabilitative or habilitative services. There are two classes of Group Residential Facilities:

> Class I: Any state, federal, or locally approved dwelling or place used as a foster home for children or adults (not including nursing homes) or as a home for the care or rehabilitation of dependent or predelinquent children, the physically handicapped or disabled, or those with development disabilities or mental illnesses. A Class I Type A group residential facility contains six (6) or more residents, exclusive of staff. A Class I Type B group residential facility contains five (5) or less residents, exclusive of staff.
>
> Class II: Any state, federal, or locally approved dwelling or place used as a home for juvenile offenders; a halfway house providing residential care or rehabilitation for adult offenders in lieu of institutional sentencing; a halfway house providing residence for persons leaving correctional institutions; and residential rehabilitation centers for

alcohol and drug users, provided detoxification is expressly prohibited on such premises. A Class II Type A group residential facility contains six (6) or more residents, exclusive of staff. A Class II Type B group residential facility contains five (5) or less residents, exclusive of staff.

**"HOME OCCUPATION"** is any use customarily conducted entirely with a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purpose and does not change the character thereof.

**"INDUSTRIALIZED UNIT"** means a building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater structure, and that requires transportation to the site of intended use. "Industrialized unit" includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. Such units are also known as "pre-engineered" or "pre-fabricated" dwellings, or modular or sectional dwellings. All industrialized units are assembled so as to be a permanent part of the land upon which the dwelling is located

**"INOPERABLE MOTOR VEHICLE"** is a motor vehicle, the condition of which is wrecked, dismantled, partially dismantled, incapable of operation by its own power upon a public street, or from which the wheels, or engine, or transmission, or any substantial part thereof has been removed.

**"JUNK"** is old or scrap copper, brass, rope, rags, trash, batteries, paper, rubber, lumber, pipe, used building materials, roofing, old scrap iron, steel, or other ferrous or nonferrous materials which are not held for sale or remelting purposes by an establishment having facilities for processing these materials located in an appropriate business zone pursuant to this Resolution.

**"JUNK MOTOR VEHICLE"** is any motor vehicle that is: three years old or older; is extensively damaged, such damage including but not limited to missing wheels, tires, motor or transmission; apparently inoperable; and having a fair market value of two hundred dollars or less.

**"JUNK YARD"** is the use of more than twenty-five (25) square feet of the area of any lot, for the storage, keeping or abandonment of junk.

**"KILOWATT"** (kW)" a measurement of electricity, equal to 1,000 watts.

**"HISTORICAL MOTOR VEHICLE"** is any motor vehicle of the age of 25 years or more, as defined pursuant to Ohio Revised Code Section 4501.01 (G) and eligible for a collector's license pursuant to ORC Section 4503.45.

**"LOADING SPACE"** is 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, alley or other appropriate means of access.

**"LOT"** is a parcel of land occupied or capable of being occupied by one or more buildings and accessory buildings, or use customarily incidental to it, including such open spaces as are required by this Resolution.

**"LOT AREA"** is the total size of the lot in terms of square feet or acreage. Any easements of access or other property owned in less than fee simple ownership is not included in the computation of lot area.

**"LOT, CORNER"** is a lot at the point of intersection of two or more abutting intersecting streets.

**"LOT DEPTH"** is the mean distance from the right-of-way line of the street at the front of the lot to its opposite rear line measured in the general direction of the side lines of the lot.

**"LOT INTERIOR"** is a lot other than a corner lot.

**"LOT LINES"** are the lines defining the boundaries of a lot.

**"LOT OF RECORD"** is a lot which is part of a subdivision, the plot of which has been recorded in the Office of the Recorder of Auglaize County, or a lot described by metes and bounds, the deed to which has been recorded in the Office of the Recorder of Auglaize County.

**"LOT WIDTH"** is the width of the lot at the front lot line, and is also referred to as frontage. Minimum lot widths must be maintained throughout the entire depth of the lot.

**"MAINSTREAM PERFORMANCE ESTABLISHMENT"** means a theater, concert hall, auditorium, or similar establishment, which regularly features movies or live performances, such as plays or concerts which are not distinguished or characterized by an emphasis on the depiction, description, or display or the featuring of "specified anatomical areas" or "specified sexual activities" and where such depiction, if any, is only incidental to the primary purpose of any performance.

**"MANUFACTURED HOME"** means a building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat. 700, 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 5415, certifying compliance with all applicable federal construction and safety standards

**"MANUFACTURED HOME, PERMANENTLY SITED"** means a manufactured home affixed to a permanent foundation (permanent masonry, concrete, or a footing or foundation) and connected to appropriate facilities. The structure, excluding any addition, has a width of at least twenty-two feet at one point, a length of at least twenty-two feet at one point, and a total living area, excluding garages, porches, or attachments, of at least nine hundred square feet. The structure also has a minimum 3:12 residential roof pitch, conventional residential siding, and a six-inch minimum eave overhang, including appropriate guttering, and was manufactured after January 1, 1995.

**"MANUFACTURED HOME PARK"** is any tract of land upon which three (3) or more manufactured homes used for habitation are parked, either free of charge or for revenue purpose, and includes any roadway, building, structure, vehicle, or enclosure, used or intended for use as a part of the facilities of such a park. A tract of land which is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park even though three or more manufactured homes are parked thereon if the roadways are dedicated to a local government authority. A manufactured home park does not include any tract of land used solely for storage, display or sale of manufactured homes, or solely as a temporary park-camp. A manufactured home park may include mobile homes as separately defined.

**"MINI-STORAGE FACILITIES"** is a building or part thereof, other than a private garage, or parcel of land that is used for storage of motor vehicles, boats, private household goods, etc..

**"MINIMUM BUILDING SETBACK LINE"** is a line in the back of and parallel to, the street right-of-way line, at a distance from the street right-of-way line equal to the required minimum front yard depth in the Zoning district in which it is located.

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

**"MOTEL"** is a building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units designed primarily for transient travelers and providing for accessory off-street parking facilities. The term "Motel" includes buildings designed as tourist courts, motor courts, motels and similar structures which are designed as integrated units of individual rooms under common ownership.

**NUDE MODEL STUDIO** means a place where a person, who regularly appears in, a state of nudity or displays "specified anatomical areas" is provided for money or, any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, similarly depicted by other persons.

**NUDE OR STATE OF NUDITY** means the showing, representation, or depiction of human male or female genitals, bare buttocks, anus, or the, areola or nipple of the female breast with less than full, opaque covering of any portion thereof below the top of the nipple or of uncovered male genitals in a discernibly turgid state.

**"NON-CONFORMING USE"** is a building, structure or use of land existing at the time of enactment of this Resolution, and which does not conform to the use regulations of the district in which it is located.

**"OPEN SPACE"** is an area of land which is in its natural state or is developed only for the raising of agricultural crops, lawns or gardens, or for public outdoor recreation (exclusive of active recreational activities such as tennis courts, ball fields, playgrounds, etc...).

**"OUTDOOR FURNACES"** are a free standing structure located outdoors, typically some distance from a building or buildings it is intended to heat. Outdoor furnaces are generally burn wood or other organic combustibles and provide a system of heat exchangers to convey heat underground into a forced-air furnace, radiant baseboard, or radiant floor heating system in a home, outbuilding or barn.

**"PARKING"** is the temporary placement of a vehicle for a period longer than required to load or unload persons or goods.

**"PRINCIPAL BUILDING OR STRUCTURE"** is the building housing the principal activity performed on any lot.

**"PROFESSIONAL OFFICES"** means those uses such as the offices of lawyers, doctors, dentists, accountants, real estate brokers, mortgage companies, and other similar, no-retail, offices as determined by the Zoning Board of Appeals.

**"QUARRYING"** is defined as the removal of more than 100 cubic yards of stone for the sole purpose of sale, gift or barter.

**"RECREATIONAL VEHICLE PARK OR RECREATION CAMP"** is any tract of land upon which recreational vehicles, tents, portable sleeping equipment, and similar camping equipment is placed and used for travel, recreation, vacation, or transient dwelling purpose.

**"RECREATIONAL VEHICLE"** is (as defined in ORC 4501.01) a vehicular portable structure designed and constructed to be used as a temporary dwelling for travel, recreational, and vacation use and being classed as follows: (1) "Travel Trailer" is a nonself-propelled recreational vehicle not exceeding an overall length of thirty-five feet, exclusive of bumper and tongue or coupling, and includes a tent type fold out camping trailer as defined in division (S) of section 4517.01 of the Revised Code; (2) "Motor Home" is a self-propelled recreational vehicle constructed with permanently installed facilities for cold storage, cooking and consuming of food, and for sleeping; (3) "Truck Camper" is a nonself-propelled recreational vehicle, without wheels for road use, and designed to be placed upon and attached to a motor vehicle. Truck camper does not include truck covers which consist of walls and roof but do not have floors and facilities for using same as a dwelling.

**"REQUIRED YARD"** is the unoccupied space between a front, side or rear lot line and a principal structure on the same lot.

**"RESTAURANT"** means commercial establishments where food and beverages are prepared, served, and consumed within the principal building, and /or are provided by drive-in or drive through accommodations. Food sales typically constitute more than 80 percent of the gross sales receipts.

**"SEMI-NUDE"** means a state of dress in which the clothing covers no more than the genitals, pubic region and the areola of the female breast, as well as portions of the body covered by supporting straps or devices.

**"SEXUAL ENCOUNTER CENTER"** means a business or commercial enterprise that, as one of its principle business purposes for any form of consideration, offers activities or physical contact, including wrestling or tumbling, between male and female persons and/or persons of the same sex when one or more of the persons exhibits or displays specified sexual anatomical areas for the purpose of specified sexual activities.

**"SEXUALLY-OREINTED BUSINESSES"** means an adult bookstore; adult novelty store, adult video store, adult cabaret, adult drive-in theater, adult entertainment facility, adult motel, adult mini-motion picture theater, adult motion picture theater, nude model studio, escort agency, sexually-oriented spa and sexual encounter center.

**"SEXUALLY-ORIENTED SPA"** is a place or building that provides massage services and engages in activities commonly associated with a sexual encounter center.

**"SMALL WIND TURBINES AND OTHER WIND POWERED GENERATORS"** Are electrical generating devises which are installed on top of towers or tall structures for the sole purpose of collecting kinetic (motion) energy from natural wind movement and converting wind energy to electricity. Typical uses include a turbine rotary engine in which the kinetic energy is converted into mechanical energy by causing a bladed rotor to rotate.

**"SPECIFIED ANATOMICAL AREA"** means less than completely and opaquely covered human genitals, pubic region, buttocks, or the areola or nipple of the female breast; human male genitals in a discernibly turgid state even if completely and opaquely covered.

**"SPECIFIED SEXUAL ACTIVITIES"** means human genitals in a state of sexual stimulation or arousal; acts real or simulated, of human fondling, sexual intercourse, sodomy, cunnilingus, or fellatio; fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts.

**"STORY HEIGHT"** is the vertical distance from the top surface of one floor to the top surface of the next above. The height of the top-most story is the distance from the top surface of the floor to the top surface of the ceiling joists.

**"STRUCTURAL ALTERATIONS"** are any change in the supporting members of a building such as bearing walls, columns, beams, girders, or any substantial changes to the roof and exterior walls.

**"STRUCTURE"** is anything constructed or erected which requires location on the ground, including signs and billboards, but not including fences or walls used as fences.

**"TOWER"** towers include vertical structures that support electrical generator, rotor blades, or meteorological equipment.

**"TOWER HEIGHT"** is the total height of the tower exclusive of the rotor blades.

**"WIDTH, SIDE YARD"** is the perpendicular distance between the established side lot line and any portion of any principal structure existing, or to be constructed on said lot.

**"YARD DEPTH, FRONT"** is the perpendicular distance between street right-of-way and the nearest portion of any principal structure existing or to be constructed.

**"YARD DEPTH, REAR"** is the open unoccupied space on the same lot with any principal structure between the rear line of the building and the rear line of the lot, and extending the full width of the lot.

**"YARD DEPTH, SIDE"** is the open unoccupied space on the same lot with any principal structure between the side lines of the building and the side lot line of the lot.

RESOLUTION

(Adopting Amendments/Revisions to the St. Marys Township Zoning Resolution)

WHEREAS the Zoning Commission of St. Marys Township has recommended the approval of amendment/revision of the St. Marys Township Zoning Resolution, by rewriting and updating said zoning resolution, with accompanying map(s); and

WHEREAS, the St. Marys Township Trustees set January 13, 2011, at 7:30 p.m. as a time for Public Hearing on the same, publication of which was made in the St. Marys Evening Leader on December 28, 2010; and

WHEREAS, a Public Hearing was held at the time and place described in said publication; and

WHEREAS, said recommendations were accepted by the Board of Township Trustees, by a unanimous vote of all members present;

THEREFORE BE IT RESOLVED that said amendment/revision, with accompanying map(s), a copy of which is attached hereto, be, and hereby is, adopted and that said amendment/revision shall become effective 30 days after the date of this Resolution.

BE IT FURTHER RESOLVED that the Fiscal Officer of St. Marys Township mail or deliver a copy of this Resolution, with attachments, to the Secretary of the Zoning Commission, the Secretary of the Board of Zoning Appeals, the Township Zoning Inspector, the Secretary of the Regional Planning Commission and record a copy with the Auglaize County Recorder's Office.

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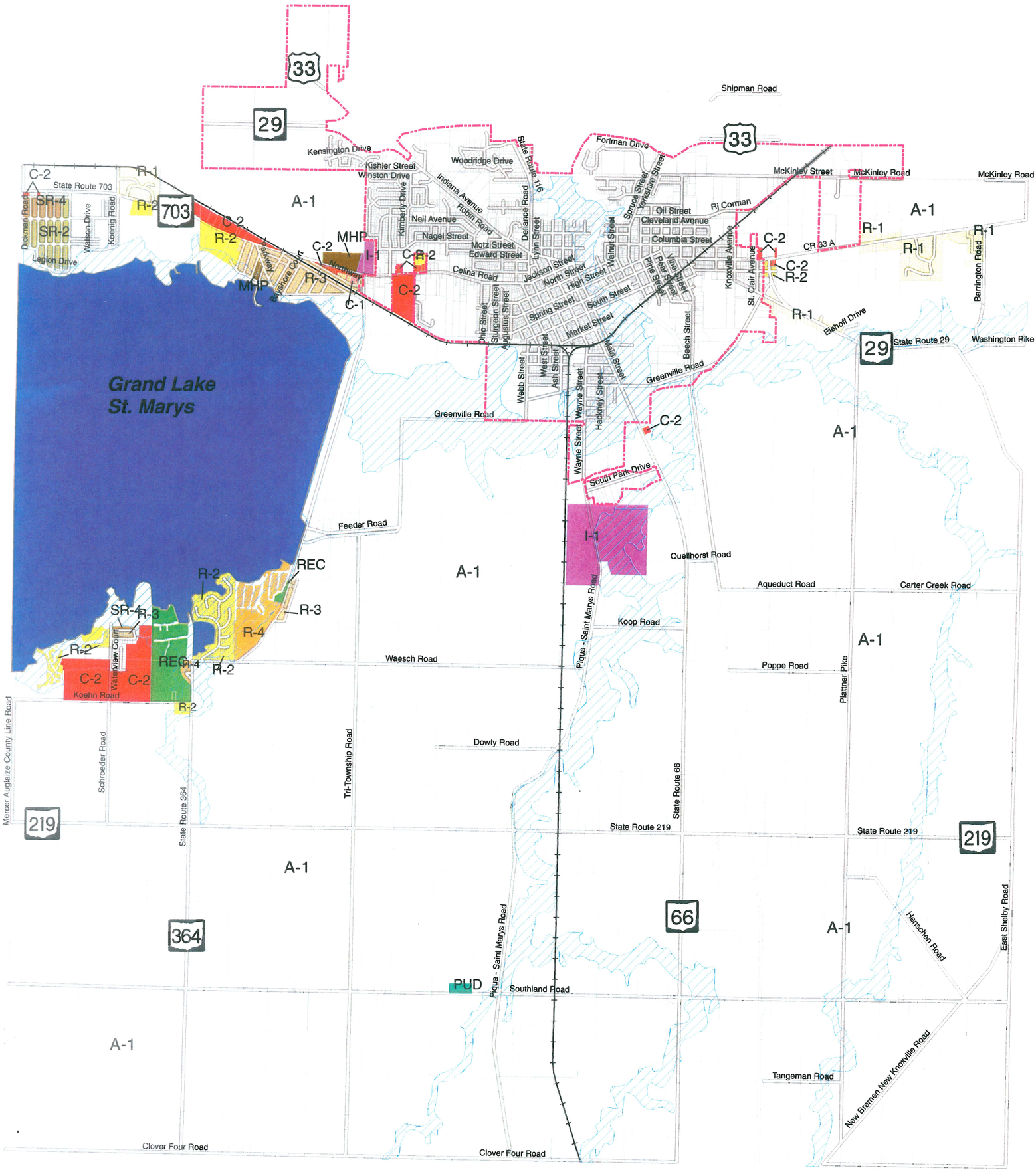
The foregoing Resolution was duly adopted at a regular meeting of the St. Marys Township Board of Trustees held on January 25, 2011.

Ronald L. Sudman

Ron Sudman, Fiscal Officer
St. Marys Township




## OFFICIAL ST. MARYS TOWNSHIP ZONING MAP

- Floodplain Overlay *
- A-1 Agricultural
- R-1 Low Density S.F. Residential
- R-2 Medium Density S.F. Residential
- SR-2 Special Medium S.F. Residential
- R-3 High Density S.F. Residential
- R-4 High Density Residential
- SR-4 Special High Density Residential
- MHP Manufactured Home Park
- C-1 Neighborhood Commercial
- C-2 General Commercial
- I-1 General Industrial
- PUD Planned Unit Development
- REC Recreational
- City of St. Marys

St. Marys Twp. Trustees Chairman Date

St. Marys Twp. Clerk Date

Effective Date

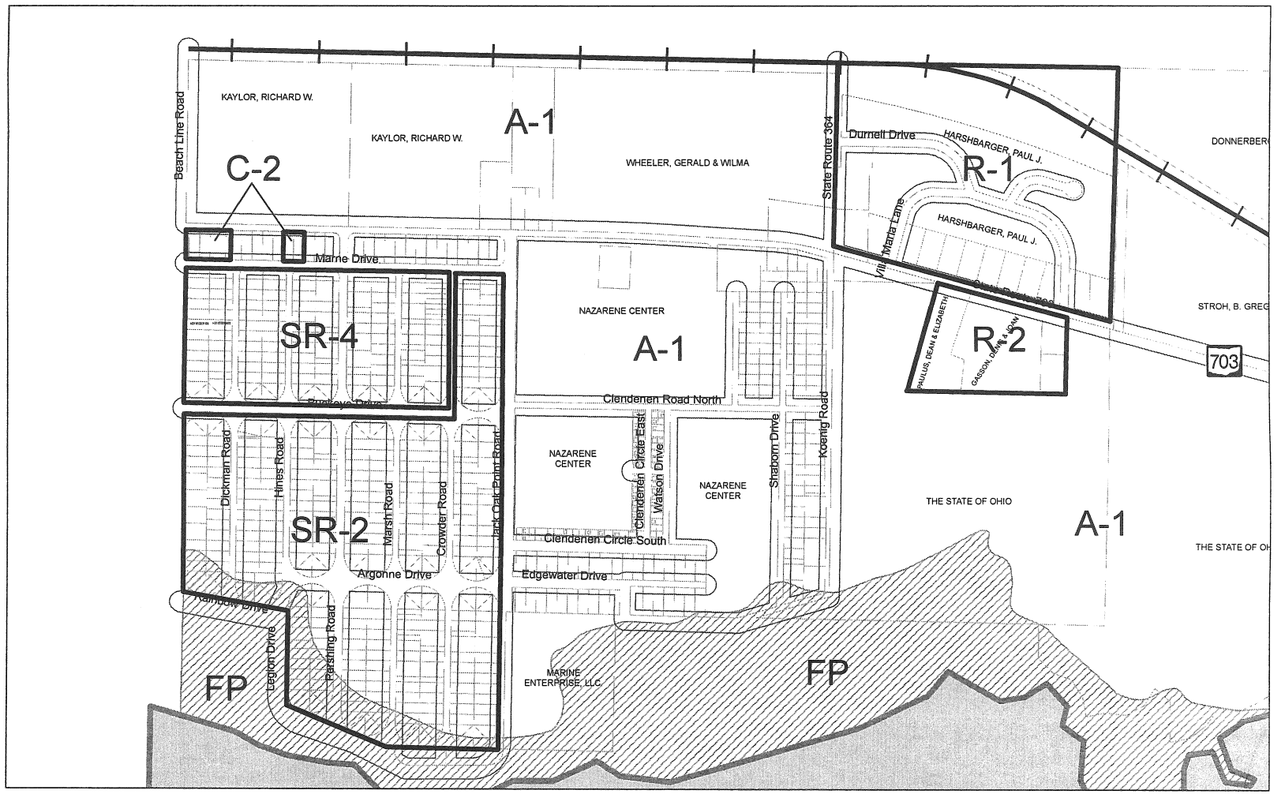
* The boundaries of the Floodplain Overlay District have been placed on the Official St. Marys Township Zoning Map to reflect the most current available maps produced by the National Flood Insurance Program. In all cases, the limits of the floodplain are intended to reflect 100 year frequencies. All official determinations with regard to compliance with the Auglaize County Floodplain Regulations are to be made using Official Flood Insurance Rate Map (FIRMs) produced by the Federal Emergency Management Agency and on file in the Office of the Auglaize County Engineer.

N

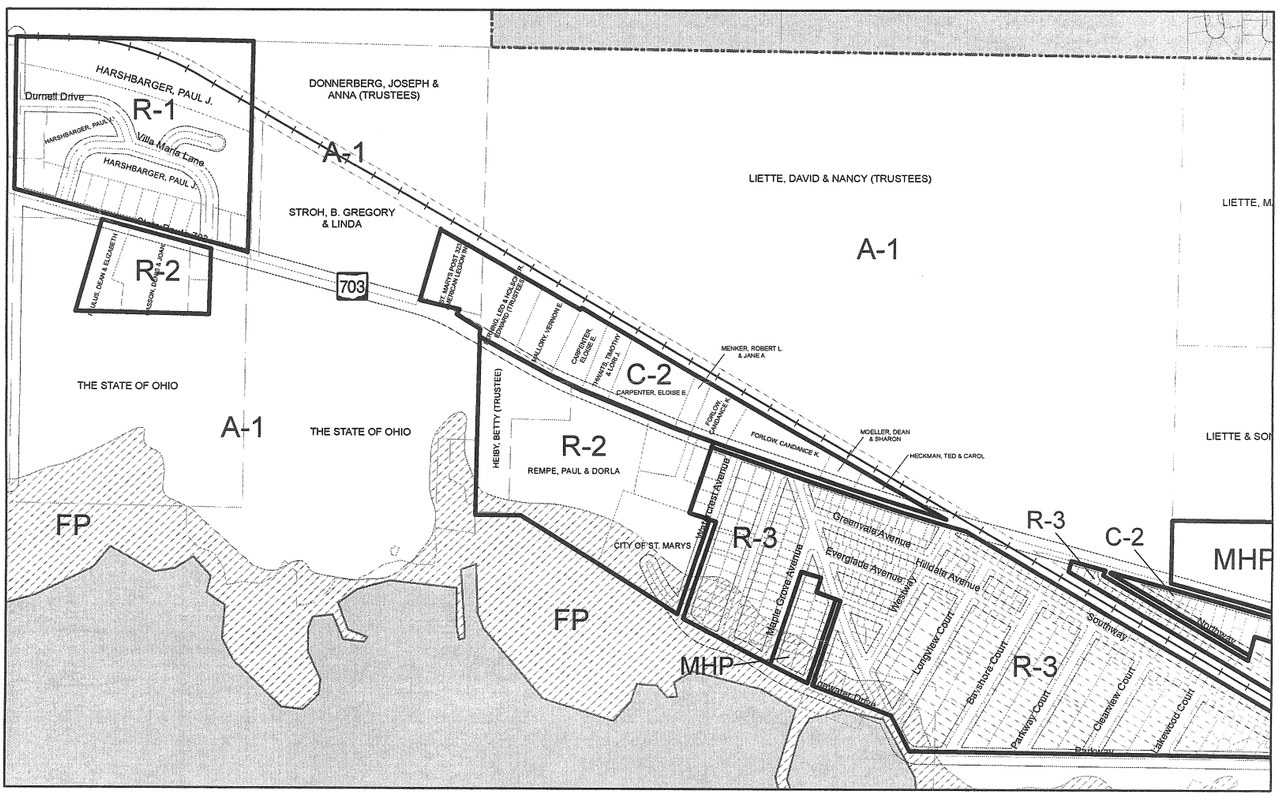
3,000 1,500 0 3,000 Feet

POGGEMEYER DESIGN GROUP

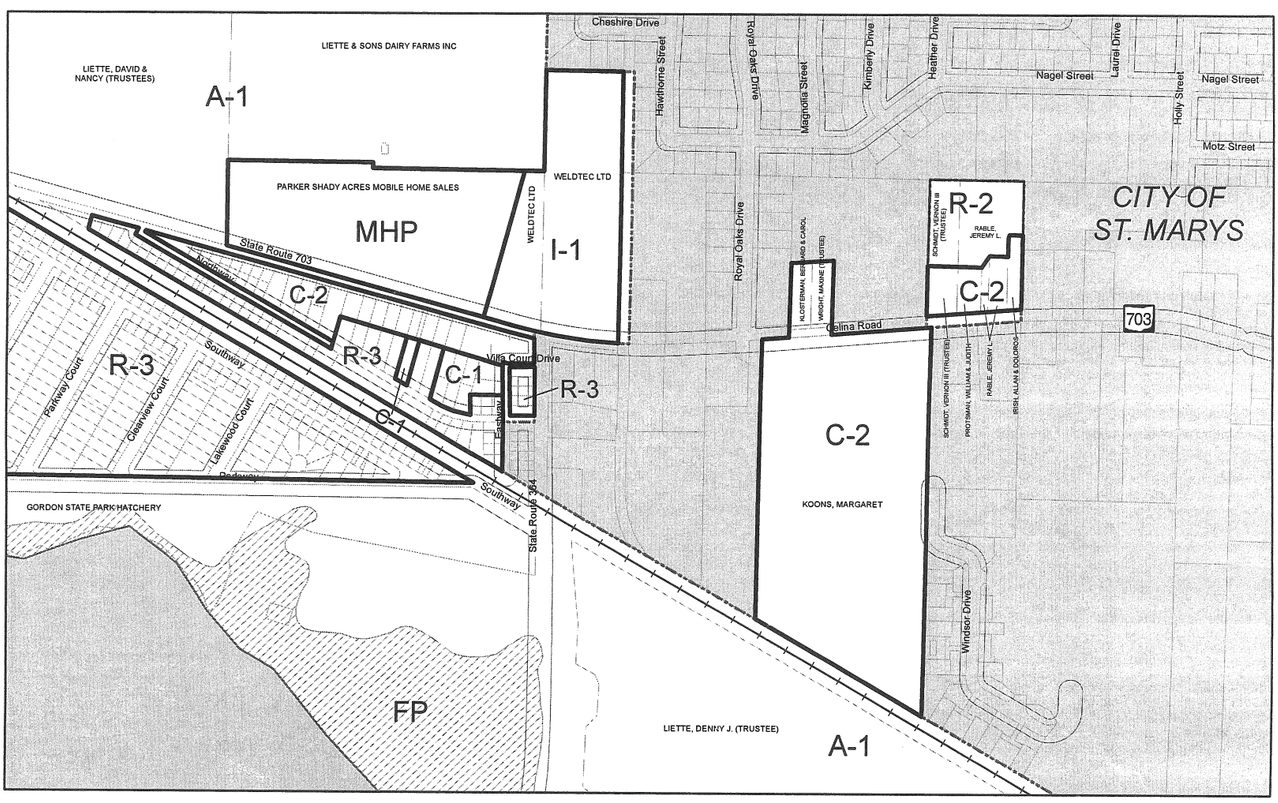
INSERT A




INSERT B




INSERT C



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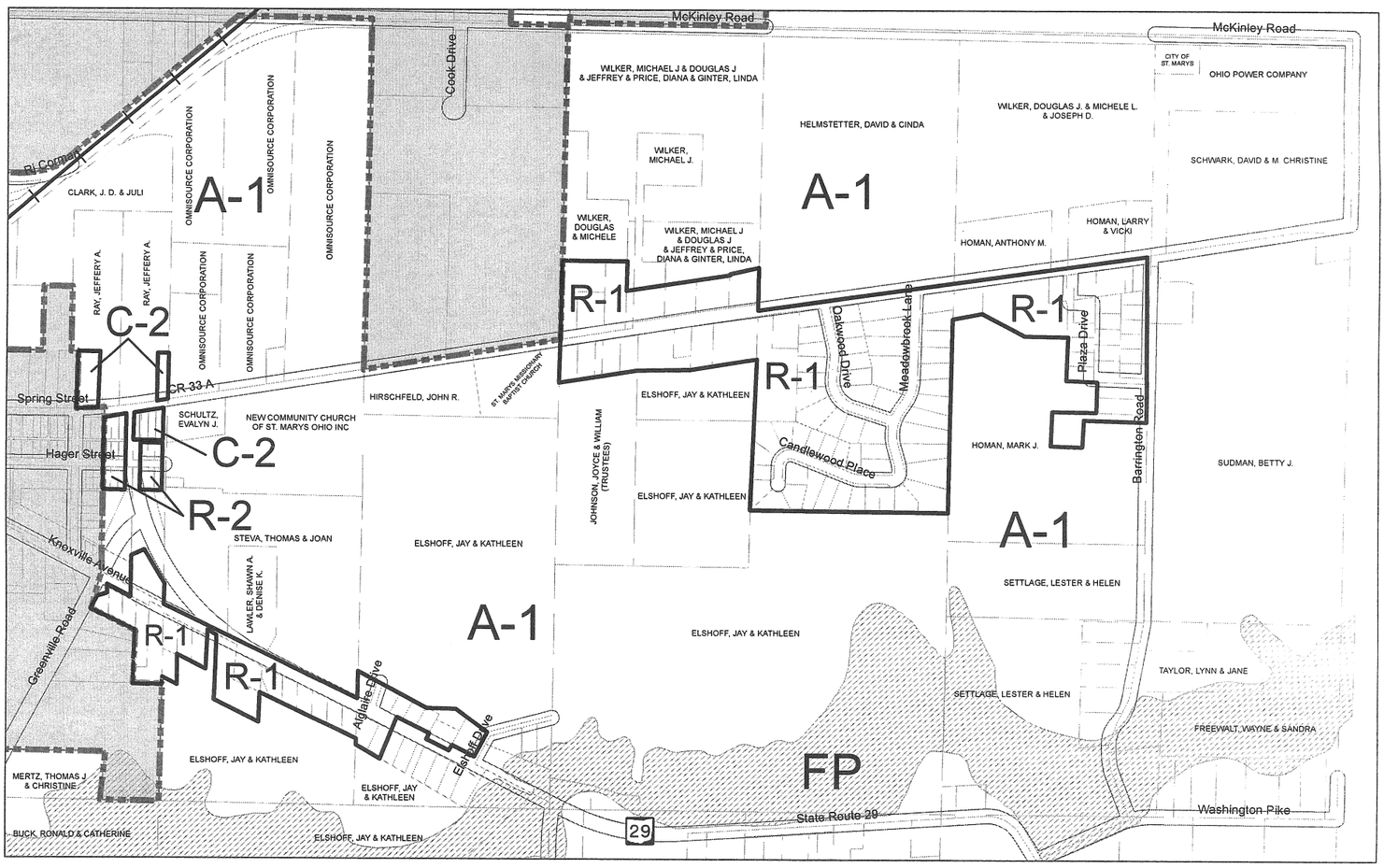
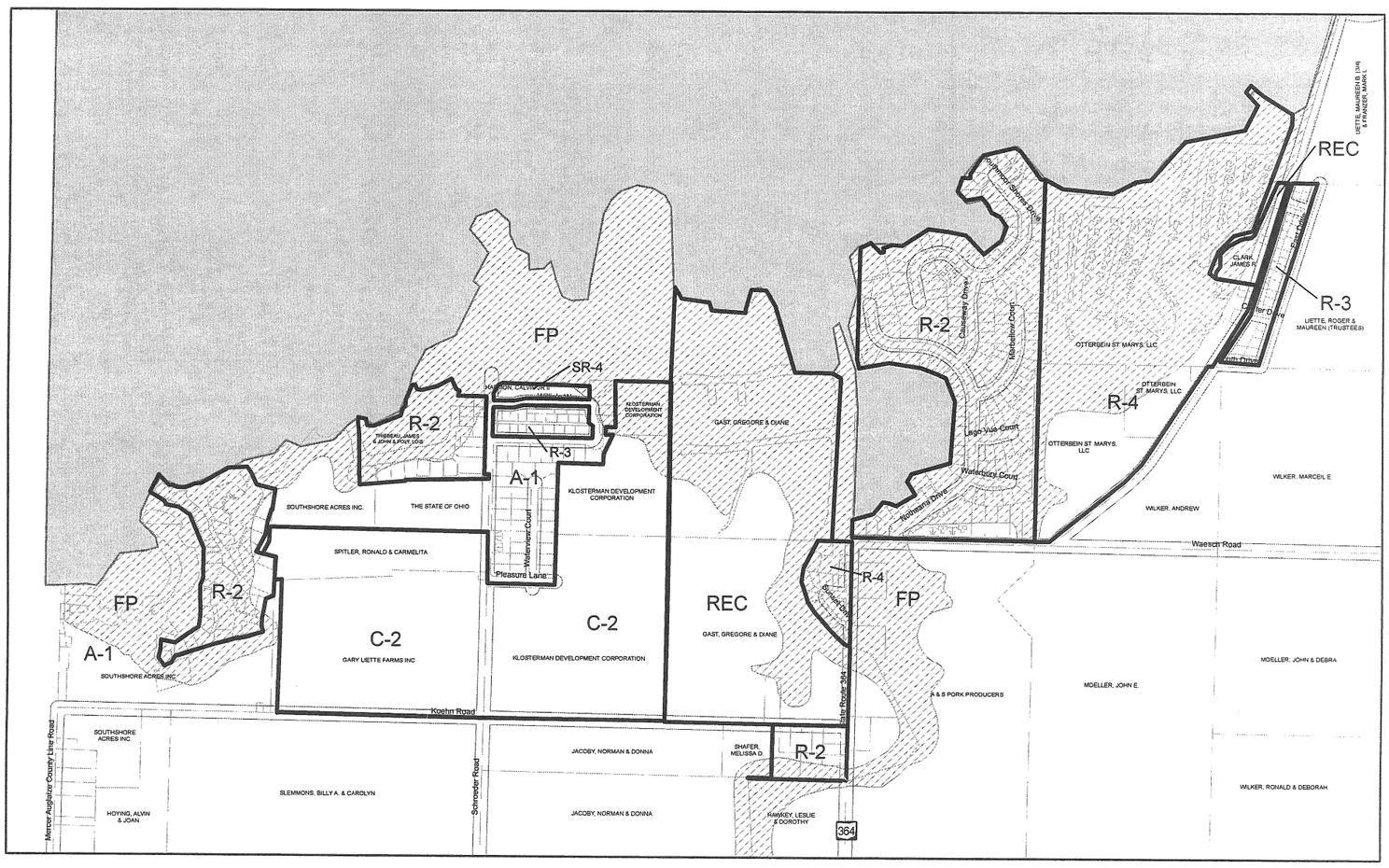
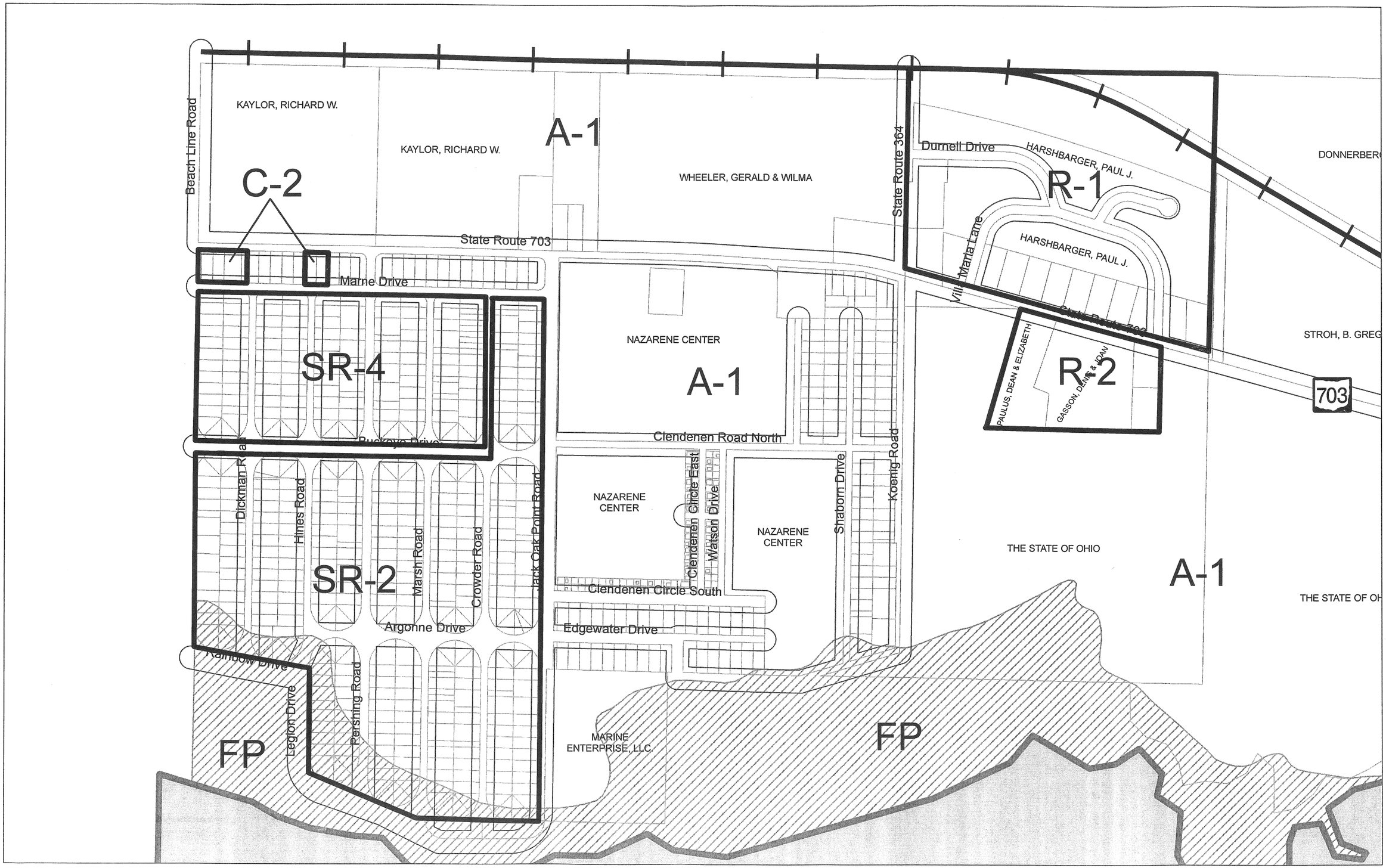


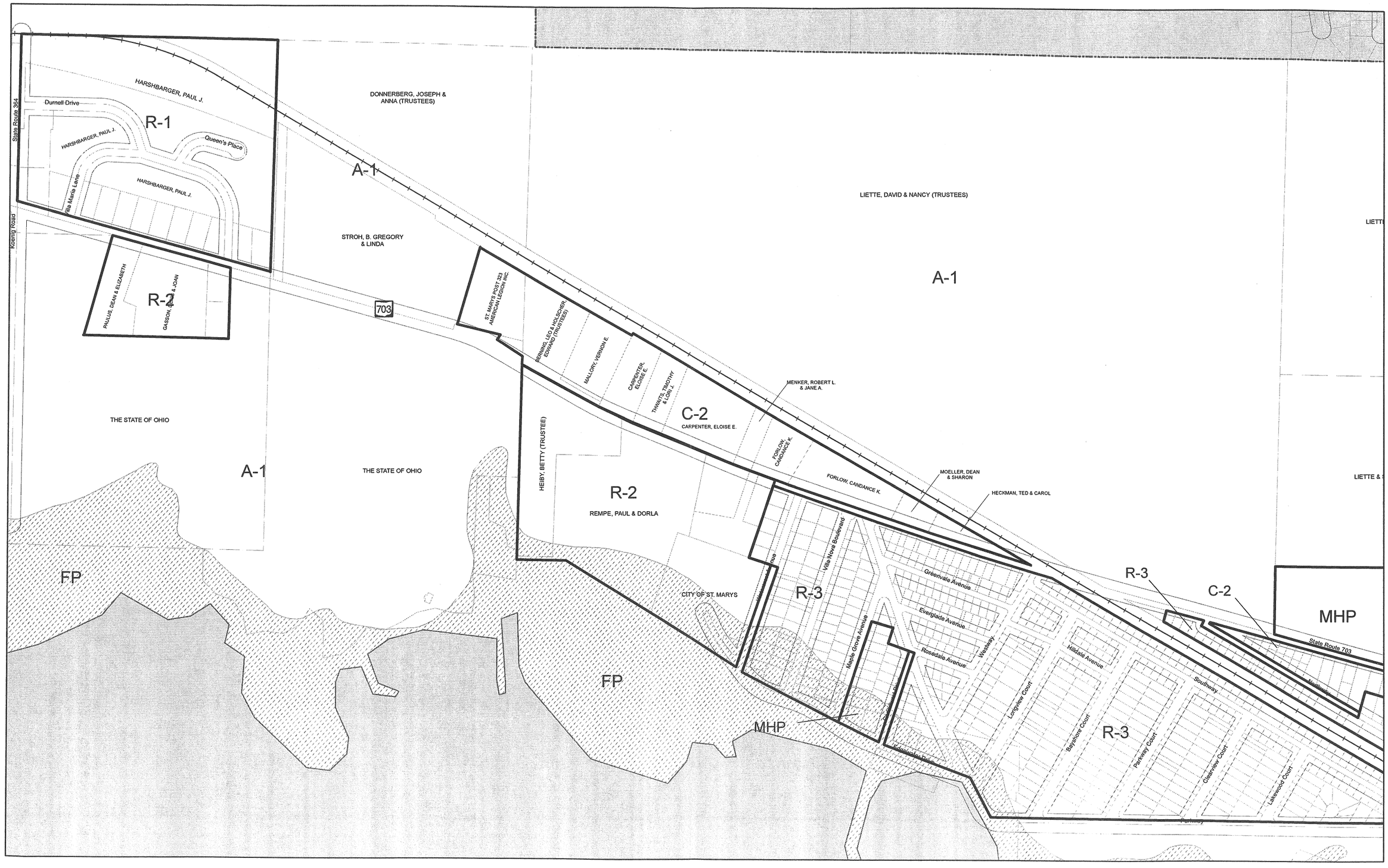

INSERT E



INSERT A


KAYLOR, RICHARD W.
KAYLOR, RICHARD W.
A-1
WHEELER, GERALD & WILMA
Beach Line Road
C-2
State Route 703
Marne Drive
State Route 364
Durnell Drive
HARSHBARGER, PAUL J.
R-1
HARSHBARGER, PAUL J.
Mill Maria Lane
State Route 703
DONNERBER
STROH, B. GREG
703
PAULUS, DEAN & ELIZABETH
GASSON, DENNIS & JOAN
R-2
SR-4
NAZARENE CENTER
A-1
Buckeye Drive
Clendenen Road North
Dickman Road
Hines Road
SR-2
Marsh Road
Crowder Road
Jack Oak Point Road
NAZARENE CENTER
Clendenen Circle East
Watson Drive
NAZARENE CENTER
Shaborn Drive
Koenig Road
THE STATE OF OHIO
A-1
THE STATE OF OH
Clendenen Circle South
Edgewater Drive
Argonne Drive
Rainbow Drive
Legion Drive
Pershing Road
FP
MARINE ENTERPRISE, LLC
FP

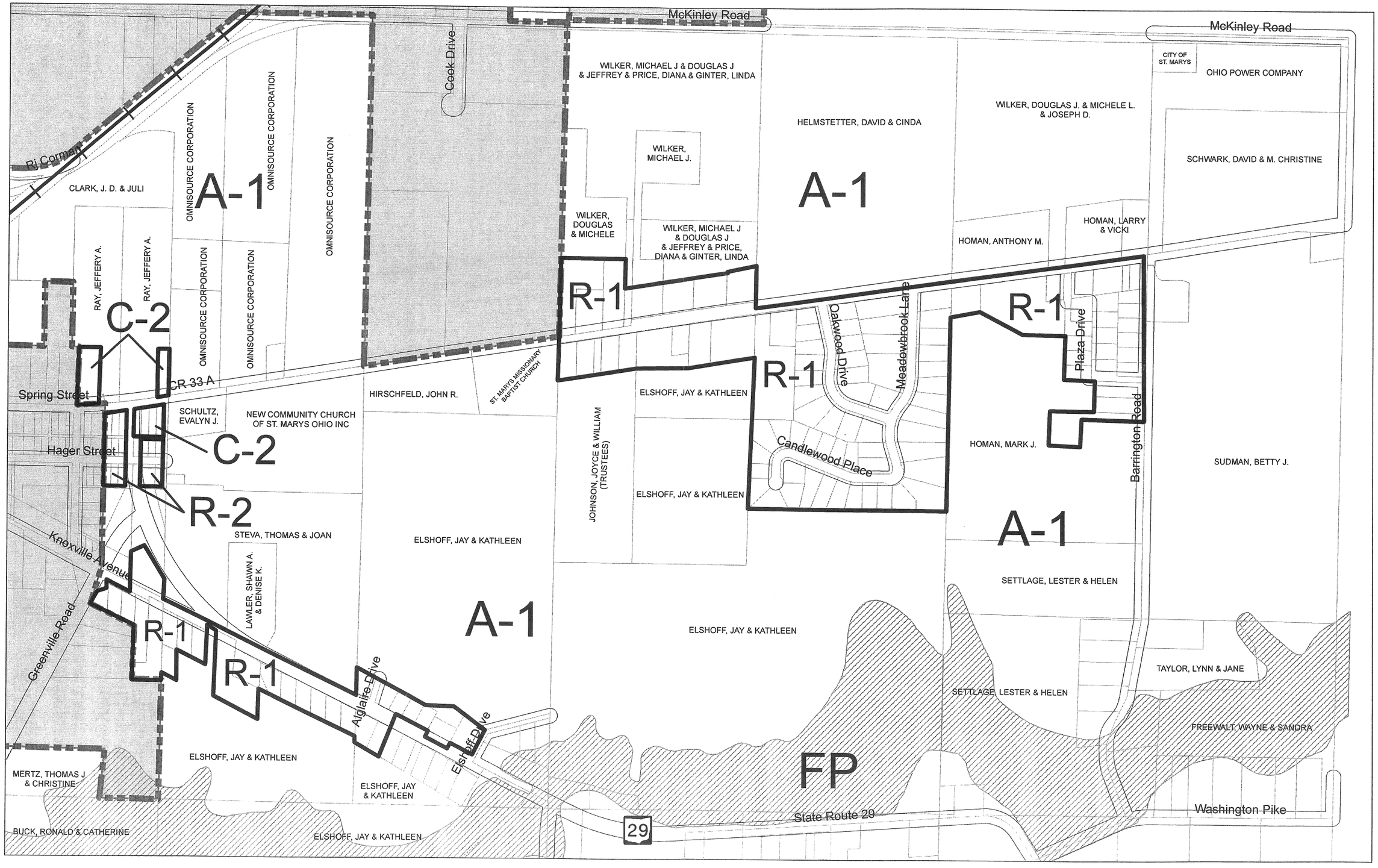
INSERT B


HARSHBARGER, PAUL J.
Durnell Drive
R-1
HARSHBARGER, PAUL J.
Queen's Place
Villa Maria Lane
HARSHBARGER, PAUL J.
State Route 364
Koenig Road
DONNERBERG, JOSEPH & ANNA (TRUSTEES)
A-1
STROH, B. GREGORY & LINDA
LIETTE, DAVID & NANCY (TRUSTEES)
A-1
PAULUS, DEAN & ELIZABETH
R-2
GASSON, [illegible] & JOAN
703
ST. MARYS POST 323 AMERICAN LEGION INC.
BERNING, LEO & KOLSCHER, EDWARD (TRUSTEES)
MALLORY, VERNON E.
CARPENTER, ELOISE E.
THWAITS, TIMOTHY & LORI J.
C-2
CARPENTER, ELOISE E.
MENKER, ROBERT L. & JANE A.
THE STATE OF OHIO
A-1
THE STATE OF OHIO
HEIBY, BETTY (TRUSTEE)
R-2
REMPE, PAUL & DORLA
FORLOW, CANDANCE K.
FORLOW, CANDANCE K.
MOELLER, DEAN & SHARON
HECKMAN, TED & CAROL
LIETTE & S
FP
CITY OF ST. MARYS
R-3
Villa Nova Boulevard
Greenvale Avenue
Everglade Avenue
Rosedale Avenue
Westway
Maple Grove Avenue
R-3
C-2
MHP
State Route 703
Hillsdale Avenue
Southway
Longview Court
Bayshore Court
Parkway Court
Clearview Court
Lakewood Court
Northway
FP
MHP
R-3

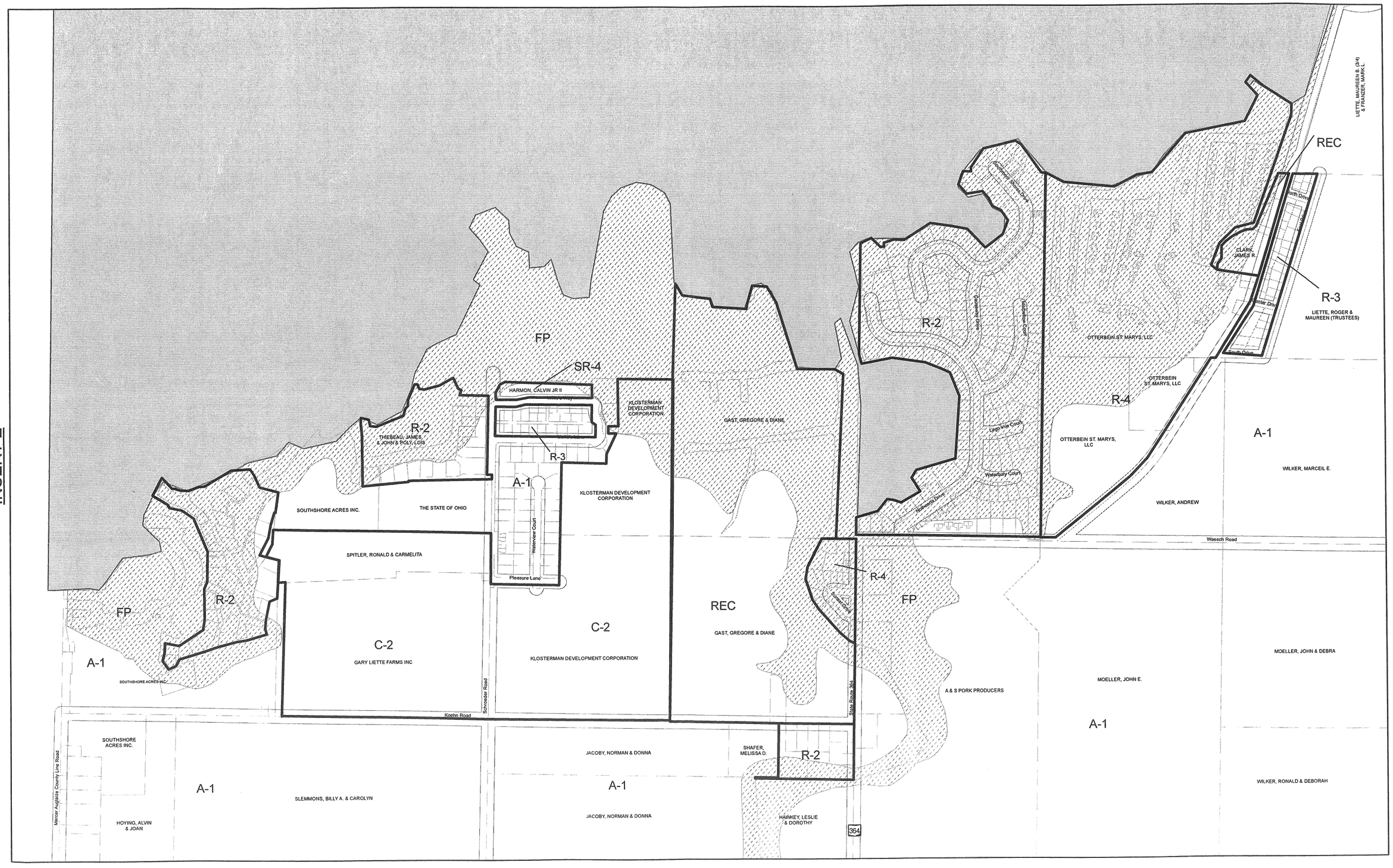
INSERT C

LIETTE, DAVID & NANCY (TRUSTEES)
LIETTE & SONS DAIRY FARMS INC
A-1
PARKER SHADY ACRES MOBILE HOME SALES
MHP
WELDTEC LTD
WELDTEC LTD
I-1
State Route 703
C-2
R-3
C-1
Northway
State Route 703
R-3
C-1
Southway
Parkway
Bayshore Court
Parkway Court
Clearview Court
Lakewood Court
R-3
GORDON STATE PARK HATCHERY
FP
Southway
LIETTE, DENNY J. (TRUSTEE)
A-1
Cheshire Drive
Hawthorne Street
Royal Oaks Drive
Magnolia Street
Kimberly Drive
Heather Drive
Laurel Drive
Nagel Street
Nagel Street
Holly Street
Motz Street
Royal Oaks Drive
KLOSTERMAN, BERNARD & CAROL
WRIGHT, MAXINE (TRUSTEE)
Celina Road
C-2
KOONS, MARGARET
SCHMIDT, VERNON III (TRUSTEE)
R-2
RABLE, JEREMY L.
C-2
SCHMIDT, VERNON III (TRUSTEE)
PROTSMAN, WILLIAM & JUDITH
RABLE, JEREMY L.
IRISH, ALLAN & DOLORIS
703
Windsor Drive
CITY OF ST. MARYS

INSERT D


McKinley Road
McKinley Road
Cook Drive
Pj Corman
CLARK, J. D. & JULI
OMNISOURCE CORPORATION
OMNISOURCE CORPORATION
OMNISOURCE CORPORATION
OMNISOURCE CORPORATION
OMNISOURCE CORPORATION
OMNISOURCE CORPORATION
A-1
RAY, JEFFERY A.
RAY, JEFFERY A.
C-2
Spring Street
CR 33 A
Hager Street
C-2
R-2
SCHULTZ, EVALYN J.
NEW COMMUNITY CHURCH OF ST. MARYS OHIO INC
HIRSCHFELD, JOHN R.
ST. MARYS MISSIONARY BAPTIST CHURCH
WILKER, MICHAEL J & DOUGLAS J & JEFFREY & PRICE, DIANA & GINTER, LINDA
WILKER, MICHAEL J.
WILKER, DOUGLAS & MICHELE
WILKER, MICHAEL J & DOUGLAS J & JEFFREY & PRICE, DIANA & GINTER, LINDA
HELMSTETTER, DAVID & CINDA
A-1
R-1
R-1
R-1
Oakwood Drive
Meadowbrook Lane
ELSHOFF, JAY & KATHLEEN
JOHNSON, JOYCE & WILLIAM (TRUSTEES)
ELSHOFF, JAY & KATHLEEN
Candlewood Place
WILKER, DOUGLAS J. & MICHELE L. & JOSEPH D.
CITY OF ST. MARYS
OHIO POWER COMPANY
SCHWARK, DAVID & M. CHRISTINE
HOMAN, ANTHONY M.
HOMAN, LARRY & VICKI
Plaza Drive
HOMAN, MARK J.
Barrington Road
SUDMAN, BETTY J.
A-1
SETTLAGE, LESTER & HELEN
Knoxville Avenue
STEVA, THOMAS & JOAN
ELSHOFF, JAY & KATHLEEN
LAWLER, SHAWN A. & DENISE K.
A-1
ELSHOFF, JAY & KATHLEEN
Greenville Road
R-1
R-1
Alglaize Drive
Elshoff Drive
SETTLAGE, LESTER & HELEN
TAYLOR, LYNN & JANE
FREEWALT, WAYNE & SANDRA
FP
ELSHOFF, JAY & KATHLEEN
MERTZ, THOMAS J & CHRISTINE
ELSHOFF, JAY & KATHLEEN
BUCK, RONALD & CATHERINE
ELSHOFF, JAY & KATHLEEN
29
State Route 29
Washington Pike

INSERT E



REC
LIETTE, MAUREEN B. (3/4) & FRANZER, MARK L.
CLARK, JAMES R.
R-3
LIETTE, ROGER & MAUREEN (TRUSTEES)
R-2
OTTERBEIN ST. MARYS, LLC
OTTERBEIN ST. MARYS, LLC
R-4
A-1
WILKER, MARCEIL E.
WILKER, ANDREW
Waesch Road
FP
SR-4
HARMON, CALVIN JR II
KLOSTERMAN DEVELOPMENT CORPORATION
GAST, GREGORE & DIANE
R-2
THIEBEAU, JAMES & JOHN & POLY, LOIS
R-3
A-1
KLOSTERMAN DEVELOPMENT CORPORATION
SOUTHSHORE ACRES INC.
THE STATE OF OHIO
Waterview Court
Pleasure Lane
SPITLER, RONALD & CARMELITA
R-2
FP
C-2
GARY LIETTE FARMS INC
C-2
KLOSTERMAN DEVELOPMENT CORPORATION
REC
GAST, GREGORE & DIANE
R-4
FP
A-1
SOUTHSHORE ACRES INC.
Schroeder Road
Koehn Road
State Route 364
A & S PORK PRODUCERS
MOELLER, JOHN E.
MOELLER, JOHN & DEBRA
A-1
SOUTHSHORE ACRES INC.
Mercer Auglaize County Line Road
A-1
SLEMMONS, BILLY A. & CAROLYN
HOYING, ALVIN & JOAN
JACOBY, NORMAN & DONNA
A-1
JACOBY, NORMAN & DONNA
SHAFER, MELISSA D.
R-2
HAWKEY, LESLIE & DOROTHY
364
WILKER, RONALD & DEBORAH

0
Filed for Record in
AUGLAIZE COUNTY, OHIO
CHRISTINA LAMBERT, RECORDER
07-25-2012 At 10:01 am.
AMEND ZONE 20.00

# RESOLUTION

(Adopting Amendment/Revision to the St. Marys Township Zoning Resolution)

WHEREAS the Zoning Commission of St. Marys Township has recommended the approval of amendment to the St. Marys Township Zoning Resolution, said amendment proposes to amend Sections 8.01, 8.03 and 8.04 of the Township Zoning Resolution as they relate to principal permitted use and set backs of accessory structures in the Special Medium Density Single Family Residential District (SR-2); said proposed amendment being attached hereto as "Exhibit A"; and

WHEREAS, the St. Marys Township Trustees set July 24, 2012 at 6:30 p.m. as a time for Public Hearing on the same, publication of which was made in the St. Marys Evening Leader on July 9, 2012; and

WHEREAS, a Public Hearing was held at the time and place described in said publication; and

WHEREAS, said recommendations were accepted by the Board of Township Trustees, by a unanimous vote of all members present;

THEREFORE BE IT RESOLVED that said amendment, a copy of which is attached hereto, be, and hereby is, adopted and that said amendment shall become effective 30 days after the date of this Resolution.

BE IT FURTHER RESOLVED that the Fiscal Officer of St. Marys Township mail or deliver a copy of this Resolution, with attached amendment, to the Secretary of the Zoning Commission, the Secretary of the Board of Zoning Appeals, the Township Zoning Inspector, the Secretary of the Regional Planning Commission and record a copy with the Auglaize County Recorder's Office.

* * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * *

The foregoing Resolution was duly adopted at the regular meeting of the St. Marys Township Board of Trustees held on July 24, 2012.

Ronald L Sudman

Ron Sudman, Fiscal Officer
St. Marys Township

"Exhibit A"

## CERTIFICATION OF ZONING RESOLUTION

May this certify that attached hereto is a true copy of the Resolution recommending amendments to the Zoning Resolution as made by the St. Marys Township Zoning Commission. This Certification is made in conformance with the Ohio Revised Code §519.12; and upon direction of the St. Marys Township Zoning Commission after a Public Hearing on May 16, 2006 in accordance with law.

ATTEST:

[signature]

St. Marys Township Zoning Commission

John Moeller

John Moeller, Chairman

* * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * *

## RESOLUTION BY TRUSTEES

Received the recommendation on May 26, 2012.

Resolved that the proposed amendment to the Zoning Resolution has been received from the Township Zoning Commission and that the Board of Township Trustees proceed pursuant to Ohio Revised Code §519.12 to hold the necessary Public Hearing. Said Public Hearing shall be held on July 24, 2012 at 6:30 p.m. after publication of the notice of said hearing being given in the St. Marys Evening Leader pursuant to law.

Dated this 26th day of June, 2012.

St. Marys Township Board of Trustees

Ronald L. Sudman

By: Ron Sudman, Fiscal Officer

"Exhibit A"

# *PROPOSED AMENDMENTS TO THE ST. MARYS TOWNSHIP ZONING RESOLUTION*

## CHAPTER 8
## SPECIAL MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (SR-2)

8.01 Principal Permitted Use

The following use is permitted in the Special Medium Density Single Family Residential District:

- Agriculture (outside platted subdivisions or subdivided areas – See Section 3.00).
- Single family dwellings
- Public or private schools
- Accessory use such as private garages, swimming pools (See Section 18.08), and accessory structures such as storage sheds **are only permitted when a dwelling already exists.**
- Home Occupations (See Section 18.09)

8.03 Minimum Yard Setbacks For Principal Structures (See also Section 18.03)

All principal structures shall meet the following requirements:

- (A) Front yards
  There shall be a minimum front yard depth of not less than twenty-five (25) feet measured from the ~~right-of-way line~~ **lot line as represented on the county tax map.**
- (B) Side Yards
  There shall be a minimum side yard width of not less than eight (8) feet on either side yard, and the combined side yard widths shall not be less than twenty (20) **feet**.
- (C) Rear Yard
  There shall be a minimum rear yard of twenty-five (25) feet.

8.04 Minimum Setbacks For Accessory Structures

All accessory structures will meet the following requirements:

- With the exception of road-side stands and farm markets, offering the sale of agricultural products produced on the premises, accessory structures may not be located closer to a ~~public right-of-way line~~ **frontage lot line as represented on the county tax map** than the principal structure. All accessory structures also shall not be located closer than 5 feet to any property line.

New language proposed is indicated by all **BOLD** print.
Deleted language is indicated by ----------.

No other provisions or language of the St. Marys Township Zoning Resolution is hereby proposed to be amended.

# RESOLUTION

RESOLVED, that whereas amendments have been proposed by the St. Marys Township Zoning Commission to amend/revise the St. Marys Township Zoning Resolution; said amendments propose to amend Sections 8.01, 8.03 and 8.04 of the Township Zoning Resolution as they relate to principal permitted use and set backs of accessory structures in the Special Medium Density Single Family Residential District (SR-2), and

WHEREAS, a Public Hearing was held on the 26th day, June, 2012 at 7:30 p.m. in the St. Marys Township House, St. Marys, Ohio after publication in the St. Marys Evening Leader on June 8, 2012.

WHEREAS, all the members of the Zoning Commission present took the matter under advisement and gave consideration.

Upon motion made, duly seconded, and passed, the amendment/revision, attached hereto and marked as "Exhibit A", is hereby accepted/~~rejected~~ and the same is hereby ordered forwarded to the St. Marys Township Board of Trustees for further action.

* * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * *

## *CERTIFICATION*

The foregoing is a true copy of the Resolution made by motion, seconded, and duly passed by the St. Marys Township Zoning Commission on June 26, 2012 following Public Hearing pertaining to the same.

Dated this 26th day of June, 2012.

John Moeller
Chairman, Zoning Commission

# RESOLUTION

(Adopting Amendment/Revision to the St. Marys Township Zoning Resolution)

WHEREAS the Zoning Commission of St. Marys Township has recommended the approval of amendment to the St. Marys Township Zoning Resolution, said amendment proposes to amend Sections 8.01, 8.03 and 8.04 of the Township Zoning Resolution as they relate to principal permitted use and set backs of accessory structures in the Special Medium Density Single Family Residential District (SR-2); said proposed amendment being attached hereto as "Exhibit A"; and

WHEREAS, the St. Marys Township Trustees set July 24, 2012 at 6:30 p.m. as a time for Public Hearing on the same, publication of which was made in the St. Marys Evening Leader on July 9, 2012; and

WHEREAS, a Public Hearing was held at the time and place described in said publication; and

WHEREAS, said recommendations were accepted by the Board of Township Trustees, by a unanimous vote of all members present;

THEREFORE BE IT RESOLVED that said amendment, a copy of which is attached hereto, be, and hereby is, adopted and that said amendment shall become effective 30 days after the date of this Resolution.

BE IT FURTHER RESOLVED that the Fiscal Officer of St. Marys Township mail or deliver a copy of this Resolution, with attached amendment, to the Secretary of the Zoning Commission, the Secretary of the Board of Zoning Appeals, the Township Zoning Inspector, the Secretary of the Regional Planning Commission and record a copy with the Auglaize County Recorder's Office.

* * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * *

The foregoing Resolution was duly adopted at the regular meeting of the St. Marys Township Board of Trustees held on July 24, 2012.

Ronald L Sudman

Ron Sudman, Fiscal Officer
St. Marys Township

"Exhibit A"

## CERTIFICATION OF ZONING RESOLUTION

May this certify that attached hereto is a true copy of the Resolution recommending amendments to the Zoning Resolution as made by the St. Marys Township Zoning Commission. This Certification is made in conformance with the Ohio Revised Code §519.12; and upon direction of the St. Marys Township Zoning Commission after a Public Hearing on May 16, 2006 in accordance with law.

ATTEST:

St. Marys Township Zoning Commission

John Moeller

John Moeller, Chairman

* * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * *

## RESOLUTION BY TRUSTEES

Received the recommendation on May 26, 2012.

Resolved that the proposed amendment to the Zoning Resolution has been received from the Township Zoning Commission and that the Board of Township Trustees proceed pursuant to Ohio Revised Code §519.12 to hold the necessary Public Hearing. Said Public Hearing shall be held on July 24, 2012 at 6:30 p.m. after publication of the notice of said hearing being given in the St. Marys Evening Leader pursuant to law.

Dated this 26th day of June, 2012.

St. Marys Township Board of Trustees

Ronald L. Sudman

By: Ron Sudman, Fiscal Officer

"Exhibit A"

# *PROPOSED AMENDMENTS TO THE ST. MARYS TOWNSHIP ZONING RESOLUTION*

## CHAPTER 8
## SPECIAL MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (SR-2)

8.01 Principal Permitted Use

The following use is permitted in the Special Medium Density Single Family Residential District:

- Agriculture (outside platted subdivisions or subdivided areas – See Section 3.00).
- Single family dwellings
- Public or private schools
- Accessory use such as private garages, swimming pools (See Section 18.08), and accessory structures such as storage sheds **are only permitted when a dwelling already exists.**
- Home Occupations (See Section 18.09)

8.03 Minimum Yard Setbacks For Principal Structures (See also Section 18.03)

All principal structures shall meet the following requirements:

- (A) Front yards
  There shall be a minimum front yard depth of not less than twenty-five (25) feet measured from the ~~right-of-way line~~ **lot line as represented on the county tax map.**
- (B) Side Yards
  There shall be a minimum side yard width of not less than eight (8) feet on either side yard, and the combined side yard widths shall not be less than twenty (20) **feet**.
- (C) Rear Yard
  There shall be a minimum rear yard of twenty-five (25) feet.

8.04 Minimum Setbacks For Accessory Structures

All accessory structures will meet the following requirements:

- With the exception of road-side stands and farm markets, offering the sale of agricultural products produced on the premises, accessory structures may not be located closer to a ~~public right-of-way line~~ **frontage lot line as represented on the county tax map** than the principal structure. All accessory structures also shall not be located closer than 5 feet to any property line.

New language proposed is indicated by all **BOLD** print.
Deleted language is indicated by ----------.

No other provisions or language of the St. Marys Township Zoning Resolution is hereby proposed to be amended.

# RESOLUTION

RESOLVED, that whereas amendments have been proposed by the St. Marys Township Zoning Commission to amend/revise the St. Marys Township Zoning Resolution; said amendments propose to amend Sections 8.01, 8.03 and 8.04 of the Township Zoning Resolution as they relate to principal permitted use and set backs of accessory structures in the Special Medium Density Single Family Residential District (SR-2), and

WHEREAS, a Public Hearing was held on the 26th day, June, 2012 at 7:30 p.m. in the St. Marys Township House, St. Marys, Ohio after publication in the St. Marys Evening Leader on June 8, 2012.

WHEREAS, all the members of the Zoning Commission present took the matter under advisement and gave consideration.

Upon motion made, duly seconded, and passed, the amendment/revision, attached hereto and marked as "Exhibit A", is hereby accepted/~~rejected~~ and the same is hereby ordered forwarded to the St. Marys Township Board of Trustees for further action.

* * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * *

***CERTIFICATION***

The foregoing is a true copy of the Resolution made by motion, seconded, and duly passed by the St. Marys Township Zoning Commission on June 26, 2012 following Public Hearing pertaining to the same.

Dated this 26th day of June, 2012.

John Moeller

John Moeller
Chairman, Zoning Commission

# RESOLUTION

(Adopting Amendment/Revision to the St. Marys Township Zoning Resolution)

WHEREAS the Zoning Commission of St. Marys Township has recommended the approval of amendment to the St. Marys Township Zoning Resolution, said amendment proposes to amend Section 5.01 of the Township Zoning Resolution by adding the principal permitted use of "convalescent homes and day care facilities"; said proposed amendment being attached hereto as "Exhibit A"; and

WHEREAS, the St. Marys Township Trustees set September 11, 2012 at 4:30 p.m. as a time for Public Hearing on the same, publication of which was made in the St. Marys Evening Leader on August 30, 2012; and

WHEREAS, a Public Hearing was held at the time and place described in said publication; and

WHEREAS, said recommendations were accepted by the Board of Township Trustees, by a unanimous vote of all members present;

THEREFORE BE IT RESOLVED that said amendment, a copy of which is attached hereto, be, and hereby is, adopted and that said amendment shall become effective 30 days after the date of this Resolution.

BE IT FURTHER RESOLVED that the Fiscal Officer of St. Marys Township mail or deliver a copy of this Resolution, with attached amendment, to the Secretary of the Zoning Commission, the Secretary of the Board of Zoning Appeals, the Township Zoning Inspector, the Secretary of the Regional Planning Commission and record a copy with the Auglaize County Recorder's Office.

* * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * *

The foregoing Resolution was duly adopted at the regular meeting of the St. Marys Township Board of Trustees held on September 11, 2012.

Ronald L. Sudman

Ron Sudman, Fiscal Officer
St. Marys Township

"Exhibit A"

# *PROPOSED AMENDMENTS TO THE ST. MARYS TOWNSHIP ZONING RESOLUTION*

CHAPTER 5
AGRICULTURAL DISTRICT
(A-1)

5.01 Principal Permitted Use

The following use is permitted in the Agricultural District:

- Agriculture
- Single family dwellings
- Churches
- Public or private schools
- Cemeteries
- Nurseries including the sale of plant material
- Public recreation facilities
- Farm Markets and Road-side Stands (See Section 5.08)
- Accessory use such as private garages, swimming pools (See Section 18.08), and an accessory structure such as storage sheds**.**
- Home Occupations (See Section 18.09)
- **Convalescent homes and day care facilities.**

New language proposed is indicated by all **BOLD** print.
Deleted language is indicated by ----------.

No other provisions or language of the St. Marys Township Zoning Resolution is hereby proposed to be amended.

# St. Marys Township

Board of Trustees
Auglaize County
Ronald L. Sudman, Fiscal Officer

10307 Schroeder Rd.
St. Marys, Ohio 45885

(419) 394-7171 Phone
(419) 394-6363 Fax


---

To Whom It May Concern:,

Notice: Here are the changes that became effective as of July 23rd, 2009 to the St. Marys Township Zoning Resolution. Please keep for you files.

Thank you,
Ron Sudman
St. Marys Twp./ Fiscal Officer

## RESOLUTION

(Adopting Amendments/Revisions to the St. Marys Township Zoning Resolution)

WHEREAS the Zoning Commission of St. Marys Township has recommended the approval of amendment to the St. Marys Township Zoning Resolution; by amending/revising the St. Marys Township Zoning Resolution by redistricting 46.58 acres of ground from the Agricultural District (A-1) to the General Commercial District (C-2); and

WHEREAS, the St. Marys Township Trustees set June 23, 2009 at 7:00 p.m. as a time for Public Hearing on the same, publication of which was made in the St. Marys Evening Leader on June 12, 2009; and

WHEREAS, a Public Hearing was held at the time and place described in said publication; and

WHEREAS, the Board of Township Trustees concluded the public hearing and took the matter under advisement at its regular session on June 23, 2009; and

WHEREAS, said recommendations were accepted by the Board of Township Trustees, by a majority vote of all members present;

THEREFORE BE IT RESOLVED that said amendment, a copy of which is attached hereto, be, and hereby is, adopted and that said amendment shall become effective 30 days after the date of this Resolution.

BE IT FURTHER RESOLVED that the Fiscal Officer of St. Marys Township mail or deliver a copy of this Resolution, with attached amendments, to the Secretary of the Zoning Commission, the Secretary of the Board of Zoning Appeals, the Township Zoning Inspector, the Secretary of the Regional Planning Commission and record a copy with the Auglaize County Recorder's Office.

* * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * *

The foregoing Resolution was duly adopted at the regular meeting of the St. Marys Township Board of Trustees held on June 23, 2009.

Ronald L. Sudman

Ron Sudman, Fiscal Officer
St. Marys Township

COPY

# AMENDMENTS
# TO THE
# ST. MARYS TOWNSHIP ZONING RESOLUTION

*CHANGE OF CLASSIFICATION*

To redistrict/rezone 46.58 acres of real estate described in the attached Exhibit "A" from its present classification of Agricultural (A-1) District to General Commercial (C-2) District. Said property is currently owned by Gary Liette Farms, Inc, 02561 Greenville Road, St. Marys Ohio 45885 and Ronald & Carmelita Spitler 10983 Schroeder Road, St. Marys, Ohio 45885.

EXHIBIT "A"
Ronald D. and Carmelita Spitler Parcel

Situate in the Township of St. Marys and the County of Auglaize and State of Ohio and bounded and described as follows: Being a parcel of land situated in St. Marys Township, Auglaize County, Ohio, in the north half of the northwest quarter of Section 19, Town 6 South, Range 4 East, being more particularly described as follows: Beginning at a railroad spike at the northeast corner of said northwest quarter of Section 19- Thence, south 01 deg. 08 min. 37 sec. west, along the east line of said northwest quarter of Section 19 and the centerline of Schroeder Road, a distance of two hundred ninety-one and 67/100 (291.67) feet to a railroad spike at the northeast corner of a 34.604 acre tract of land conveyed to Roger, Jane, Edward and Diana Koenig by deed recorded in deed volume 233, page 477- Thence, north 88 deg. 58 min. 17 sec. west along a line of said Koenigs ground, a distance of six hundred eighty-four and 64/100 (684.64) feet to a 5/8 inch iron bar – Thence, continuing along said Koenigs line, south 00 deg. 58 min. 01 sec. west a distance of forty-four and 86/100 (44.86) feet to a 5/8 inch iron bar- Thence, continuing along said Koenigs line, south 87 deg. 38 min. 26 sec. west, a distance of two hundred forty-six and 77/100 (246.77) feet to a 5/8 inch iron bar- Thence, continuing along said Koenigs line and the extension thereof, south 88 deg. 02 min. 29 sec. west, a distance of six hundred four and 28/100 (604.28) feet to a 5/8 inch iron bar-Thence south 03 deg. 35 min. 04 sec. west, a distance of one hundred twelve and 10/100 (112.10) feet to a 5/8 inch iron bar- Thence, north 68 deg. 48 min. 38 sec. west, a distance of one hundred seventy-eight and 85/100 (178.85) feet to a 5/8 inch iron bar- Thence, north 39 deg. 38 min. 04 sec. west, a distance of sixty-nine and 30/100 (69.30) feet to a 5/8 inch iron bar- Thence, north 35 deg. 32 min. 16 sec. east, a distance of two hundred twenty-three and 36/100 (223.36) feet to a 5/8 inch iron bar- Thence, north 23 deg. 18 min. 56 sec. east, a distance of one hundred eleven and 99/100 (111.99) feet to a 5/8 inch iron bar- Thence, north 07 deg. 07 min. 27 sec. east, a distance of ninety-two and 94/100 (92.94) feet to a point in the north line of said Section 19- Thence, south 88 deg. 58 min. 54 sec. east, along said north line of Section 19, a distance of one thousand five hundred seventy-four and 14/100 (1574.14) feet to the place of beginning. Containing 12.877 acres of land, more or less. Save and Except therefrom the above described property a parcel of land conveyed from Ronald D. Spitler and Carmelita Spitler to John C. Chambers, Trustee by deed dated 09/12/98 and recorded 09/14/98 in Record Volume 338 Page 471 of the Auglaize County Records. (1.0 acres)

Engineer's I. D. K3101901202 (11.87 Acres m/l)

**EXHIBIT "A"**
Gary Liette Farms, Inc. Parcel

Situated in the Township of St. Marys, County of Auglaize, and State of Ohio, to wit:

**TRACT I:**
Being a parcel of land situated in St. Marys Township, Auglaize County, Ohio, in the northeast quarter of the northwest quarter of Section 19, Township 6 South, Range 4 East. Being more particularly described as follows:

Commencing for reference at a railroad spike at the southeast corner of the northeast quarter of the northwest quarter of said Section 19-

Thence, north 01° 51' 10" west, along the east line of the northwest quarter of said Section 19, and the centerline of Schroeder Road, a distance of seven hundred forty-two and 15/100 (742.15) feet to a railroad spike. Said point being the place of beginning for the parcel to be conveyed by this instrument-

Thence, continuing north 01° 51' 10" west, along the last described line, a distance of three hundred ten and 37/100 (310.37) feet to a railroad spike-

Thence, south 88° 01' 20" west, a distance of six hundred eighty-four and 72/100 (684.72) feet to a 5/8 inch iron bar-

Thence, south 02° 00' east, a distance of forty-four and 88/100 (44.88) feet to a 5/8 inch iron bar-

Thence, south 84° 37' 58" west, a distance of two hundred forty-six and 74/100 (246.74) feet to a 3/4 inch iron pipe-

Thence, south 02° 00' east, a distance of two hundred fifty and 90/100 (250.90) feet to a ½ inch iron pipe-

Thence, north 88° 01' 20" east, a distance of nine hundred thirty and 24/100 (930.24) feet to the place of beginning.

Containing 6.336 acres of land more or less.

Subject to all easements and right-of-way of record.

**TRACT II:**
Being a parcel of land situated in St. Marys Township, Auglaize County, Ohio, in the northeast quarter of the northwest quarter of said Section 19, Township 6 South, Range 4 East. Being more particularly described as follows:

Beginning at a railroad spike at the southeast corner of the northeast quarter of the northwest quarter of said Section 19-

Thence, north 01° 51' 10" west, along the east line of the northwest quarter of said Section 19, and the centerline of Schroeder Road, a distance of seven hundred forty-two and 15/100 (742.15) feet to a railroad spike-

Thence, south 88° 01' 20" west, a distance of nine hundred thirty and 24/100 (930.24) feet to a ½ inch iron pipe-

Thence, south 02° 00' east, a distance of seven hundred forty-two and 15/100 (742.15) feet to a railroad spike in the south line of the northeast quarter of the northwest quarter of said Section 19, and in the centerline of Koehn Road-

Thence, north 88° 01' 20" east, along said south line of the northeast quarter of the northwest quarter of the centerline of Koehn Road, a distance of nine hundred twenty-eight and 38/100 (928.38) feet to the place of beginning.

Containing 15.834 acres of land more or less.

Subject to all easements and right-of-way of record.

**TRACT III:**

Being a parcel of land situated in St. Marys Township, Auglaize County, Ohio, in the north half of the northwest quarter of Section 19, Township 6 South, Range 4 East. Being more particularly described as follows:

Commencing for reference at a railroad spike at the southeast corner of said north half of the northwest quarter-

Thence, south 88° 01' 20" west, along the south line of said north half of the northwest quarter and the centerline of Koehn Road, a distance of nine hundred twenty-eight and 38/100 (928.38) feet to a railroad spike. Said point being the place of beginning for the parcel to be conveyed by this instrument-

Thence, continuing south 88° 01' 20" west, along the last described line, a distance of five hundred sixty-four and 08/100 (564.08) feet to a railroad spike-

Thence, north 01° 40' 40" west, a distance of nine hundred sixty-three and 84/100 (963.84) feet to a 5/8 inch iron bar-

Thence, north 85° 01' 40" east, a distance of five hundred fifty-nine and 41/100 (559.41) feet to a 3/4 inch iron bar-

Thence, south 02° 00' east, a distance of nine hundred ninety-three and 05/100 (993.05) feet to the place of beginning. Said line passing through a ½ inch iron pipe at two hundred fifty and 90/100 (250.90) feet.

Containing 12.608 acres of land more or less.

Subject to all easements and right-of-way of record.

The south line of the north half of the northwest quarter of Section 19 was assumed to bear south 88° 01' 20" west. All other bearings were calculated from angles turned.

Reference is made to a survey of this area by Gordon L. Geeslin, Registered Surveyor 5372, dated March, 1976, on file in the County Engineer's Office.

**SAVE AND EXCEPT:**
Situate in the Township of St. Marys, County of Auglaize and State of Ohio, to wit:

The following described tract of land is part of the Northeast Quarter of the Northwest Quarter of Section 19, Town 6 South, Range 4 East, St. Marys Township, Auglaize County, Ohio and is more particularly described as follows:

Commencing at a monument box at the Southeast corner of the Northeast Quarter of the Northwest Quarter of Section 19, St. Marys Township and in the intersection of the centerlines of Township Road 108 (Koehn Road) and Township Road 15 (Schroeder Road);

thence N. 01° 51' 10" W. along the centerline of Township Road 15, a distance of 998.52 feet to a R.R. spike set which is the PLACE OF BEGINNING for the tract of land herein described;

thence S. 88° 01' 20" W. a distance of 62.00 feet to an iron pin set, passing thru an iron pin set for reference at 45.00 feet in the West right-of-way line of Township Road 15;

thence N. 01° 51' 10" W., parallel to the centerline of Township Road 15, a distance of 54.00 feet to an iron pin set;

thence N. 88° 01' 20" E. along the Liette - Spitler property line a distance of 62.00 feet to a R. R. spike set, passing thru an iron pin set for reference at 17.00 feet in the West right-of-way line of Township Road 15;

thence S. 01° 51' 10" E. along the centerline of Township Road 15, a distance of 54.00 feet to a R. R. spike which was the true PLACE OF BEGINNING.

Containing in all 0.076 acre of which 0.055 acre has been dedicated for highway purposes. The above described tract of land is subject to all legal easements, restrictions and reservations, if any, of record or inuse on said premises. Previous deed reference: Volume 257, page 253. This plat is recorded in Survey Book "H", page 484, in the Auglaize County Engineer's Office.

F:\restate\descrip\Gary Liette Farms, Inc. Parcel.wpd

# RESOLUTION

(Rejecting Amendments/Revisions to the St. Marys Township Zoning Resolution)

WHEREAS the Zoning Commission of St. Marys Township has recommended the approval of amendment to the St. Marys Township Zoning Resolution; by amending/revising the St. Marys Township Zoning Resolution by redistricting 50. +/- acres of ground from the High Density Single Family Residential (R-3), the Special Mixed High Density Residential District (SR-4), and the Neighborhood Commercial (C-1) Districts to the General Commercial District (C-2); and

WHEREAS, the St. Marys Township Trustees set June 23, 2009 at 7:00 p.m. as a time for Public Hearing on the same, publication of which was made in the St. Marys Evening Leader on June 12, 2009; and

WHEREAS, a Public Hearing was held at the time and place described in said publication; and

WHEREAS, the Board of Township Trustees concluded the public hearing and took the matter under advisement at its regular session on June 23, 2009; and

WHEREAS, said recommendations were rejected by the Board of Township Trustees, by a majority vote of all members present;

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The foregoing Resolution was duly adopted at the regular meeting of the St. Marys Township Board of Trustees held on June 23, 2009.

Ron Sudman, Fiscal Officer
St. Marys Township

Reconsidered
Motion - Inwalle
Wilker
PASSED

COPY

# RESOLUTION

(Adopting Amendments/Revisions to the St. Marys Township Zoning Resolution)

WHEREAS the Zoning Commission of St. Marys Township has recommended the approval of amendment to the St. Marys Township Zoning Resolution; by amending/revising the St. Marys Township Zoning Resolution by redistricting 50. +/- acres of ground from the High Density Single Family Residential (R-3), the Special Mixed High Density Residential District (SR-4), and the Neighborhood Commercial (C-1) Districts to the General Commercial District (C-2); and

WHEREAS, the St. Marys Township Trustees set June 23, 2009 at 7:00 p.m. as a time for Public Hearing on the same, publication of which was made in the St. Marys Evening Leader on June 12, 2009; and

WHEREAS, a Public Hearing was held at the time and place described in said publication; and

WHEREAS, the Board of Township Trustees concluded the public hearing and took the matter under advisement at its regular session on June 23, 2009; and

WHEREAS, said recommendations were accepted by the Board of Township Trustees, by a majority vote of all members present;

THEREFORE BE IT RESOLVED that said amendment, a copy of which is attached hereto, be, and hereby is, adopted and that said amendment shall become effective 30 days after the date of this Resolution.

BE IT FURTHER RESOLVED that the Fiscal Officer of St. Marys Township mail or deliver a copy of this Resolution, with attached amendments, to the Secretary of the Zoning Commission, the Secretary of the Board of Zoning Appeals, the Township Zoning Inspector, the Secretary of the Regional Planning Commission and record a copy with the Auglaize County Recorder's Office.

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The foregoing Resolution was duly adopted at the regular meeting of the St. Marys Township Board of Trustees held on June 23, 2009.

Ron Sudman, Fiscal Officer
St. Marys Township

COPY

# AMENDMENTS
# TO THE
# ST. MARYS TOWNSHIP ZONING RESOLUTION

## *CHANGE OF CLASSIFICATION*

To redistrict/rezone 50 +/- acres of real estate described in the attached Exhibit "A" from its present classifications of High Density Single Family Residential (R-3) District, Special Mixed High Density Residential (SR-4) District and Neighborhood Commercial (C-1) District to General Commercial (C-2) District. Said property is currently owned by Klosterman Development Corporation, 4696 US RT 127, Celina, Ohio 45822.

Klosterman Devel.

Instrument 200900002265 DR Book 577 Page 661

# EXHIBIT "A"

Being a tract of land, situate in the southeast quarter of Section 18; and the northeast quarter of Section 19, Town-6-South, Range-4-East, St. Marys Township, Auglaize County, Ohio as evidenced by Official Record Volume 297, Page 666 and Official Record Volume 417, Page 269, and more particularly described as follows:

Commencing for reference at a monument box (found) at the north quarter corner of Section 19 and the legal centerline of Schroeder Road; thence, S 01 degree 09' 32" W along the west line of the northeast quarter of Section 19 and the legal centerline of Schroeder Road, for a distance of 369.31 feet to a cotton gin spindle (set), said spindle being the POINT OF BEGINNING for the tract herein described;

thence, S 88 degrees 50' 28" E for a distance of 495.00 feet to a 5/8" re-rod w/cap (set);

thence, N 01 degree 09' 32" E for a distance of 365.47 feet to a point on the north line of Section 19;

thence, N 01 degrees 10' 52" E for a distance of 520.69 feet to a point in a channel; thence, S 89° 02' 15" E along said channel for a distance of 330.84 feet to a point; thence, continuing along a channel N 01° 14' 09" E for a distance of 72.99 feet to a point;

thence, continuing along a channel N 25° 52' 33" E for a distance of 159.94 feet to a point;

thence, N 89 degrees 02' 15" W for a distance of 58.10 feet to a 5/8" re-rod w/cap (found);

thence, N 00 degrees 57' 46" E for a distance of 50.00 feet to a 5/8" re-rod w/cap (found);

thence, S 89 degrees 02' 15" E for a distance of 73.70 feet to a point in a channel;

thence N 00 degrees 10' 45" E for a distance of 88.87 feet to a point in the aforesaid channel;

thence, N 00 degrees 16' 20" W for a distance of 255.45 feet to a point in the aforesaid channel;

thence, S 88 degrees 49' 44" E for a distance of 406.36 feet to a 1" axle (found); on the east line of the southwest quarter of the southeast quarter of Section 18;

thence, S 01 degree 09' 25" W along the aforesaid east line, for a distance of 1140.91 feet to a 5/8" re-rod w/cap (found) at the northeast corner of the northwest quarter of the northeast quarter of Section 19;

thence, S 00 degrees 42' 49" W along the east line of the aforesaid northwest quarter (passing through a 5/8" re-rod w/cap (found) on the north right-of-way line of Koehn Road at a distance of 1305.40 feet) for a total distance of 1330.40 feet to a railroad spike (found) at the southeast corner of the northwest quarter of the northeast quarter of Section 19, and the legal centerline of Koehn Road;

thence, N 88 degrees 59' 14" W along the south line of the northwest quarter of the northeast quarter of Section 19, and the legal centerline of Koehn Road for a distance of 1317.30 feet to a monument box (found) at the southwest corner of the northwest quarter of the northeast quarter of Section 19, and the centerline intersection of Koehn Road and Schroeder Road;

thence, N 01 degree 09' 32" E along the west line of the northwest quarter of the northeast quarter of Section 19 and the legal centerline of Schroeder Road, for a distance of 974.67 feet to the POINT OF BEGINNING, containing therein 51.096 acres, of which 36.089 acres is in Section 19 and 15.187 acres is in Section 18 and of which 1.294 acres is road right-of-way. Subject to all easements and right-of-way of record at the time of the recording of this instrument. Prepared by James M. Kent, PS 6792 on March 23, 2009. Basis of bearings is per recorded plat of Klosterman Kove Phase 1 and 2.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED REAL ESTATE:

Situated in the Township of St. Marys, County of Auglaize and State of Ohio, to-wit:

Being a part of the southeast quarter of Section 18, Town-6-South, Range-4-East, St. Marys Township, Auglaize County, Ohio, and more particularly described as follows:

Commencing for reference at the northeast corner of Lot 4 of Klosterman Kove Subdivision Number One, said corner also situate in a channel; thence S 00° 01' 45" W along said channel, for a distance of 88.87 feet to the southeast corner of Lot 4 and the POINT OF BEGINNING for the parcel herein described; thence, continuing S 00° 01' 45" W for a distance of 50.00 feet to a point in a channel; thence N 89° 02' 14" W for a distance of 74.38 feet to a 5/8" re-rod w/cap (set); thence, N 00° 57' 46" E for a distance of 50.00 feet to a 5/8" re-rod w/cap (found); thence S 89° 02' 14" E for a distance of 73.70 feet to the POINT OF BEGINNING containing therein 3,702 square feet. Prepared by James M. Kent, PS 6792 with reference herein made to a plat of survey; Kent Surveying, Inc., drawing #2728-1 dated March 1, 2007. Basis of bearings is per the recorded plat of Klosterman Kove Subdivision Number One.

Subject to all easements, conditions, restrictions and rights of way of record.

Adopted:
June 13th, 2006

# *PROPOSED AMENDMENTS TO THE ST. MARYS TOWNSHIP ZONING RESOLUTION*

## CHAPTER 3
## GENERAL REQUIREMENTS

313 Adult Entertainment Businesses

~~Adult entertainment businesses, as defined in Chapter 12, adult mini-motion picture theaters, adult motion picture theaters and adult entertainment facilities of any kind or type are prohibited in St. Marys Township. Violation of this zoning regulation shall be subject to the enforcement articles and penalties outlined in the zoning regulations of St. Marys Township.~~

A. INTENT

THIS SECTION IS BASED UPON ST. MARYS TOWNSHIP'S RECOGNITION OF CERTAIN POSSIBLE ADVERSE SECONDARY EFFECTS OF ADULT ENTERTAINMENT BUSINESSES, AS DEFINED HEREIN, AND THEREBY PROTECTS THE HEALTH, SAFETY, AND WELFARE OF THE CITIZENS; PROTECTS THE CITIZENS FROM INCREASED CRIME; PRESERVES THE QUALITY OF LIFE; PRESERVES THE PROPERTY VALUES AND THE CHARACTER OF THE SURROUNDING NEIGHBORHOODS AND BUSINESSES; DETERS THE SPREAD OF URBAN BLIGHT AND PROTECTS AGAINST THE THREAT TO HEALTH FROM THE SPREAD OF COMMUNICABLE AND SOCIAL DISEASES.

B. DEFINITIONS

SPECIFIC WORDS AND TERMS AS USED IN THIS SECTION ARE DEFINED AS FOLLOWS:

1. ADULT BOOKSTORE, ADULT NOVELTY STORE, OR ADULT VIDEO STORE MEANS AN ESTABLISHMENT, FROM WHICH MINORS ARE EXCLUDED, HAVING AS A SUBSTANTIAL OR SIGNIFICANT PORTION OF ITS STOCK FOR TRADE, SALE, OR RENTAL OF THE FOLLOWING:

   A. BOOKS, MAGAZINES, OTHER PERIODICALS OR PRINTED MATERIAL, PHOTOGRAPH FILMS, MOTION PICTURES, FILMS, VIDEO CASSETTES, SLIDES, COMPUTER MEDIA, OR OTHER VISUAL REPRESENTATIONS WHICH ARE CHARACTERIZED BY DEPICTION OR DESCRIPTION OF "SPECIFIED SEXUAL ACTIVITIES" OR "SPECIFIED ANATOMICAL AREAS", WHICH ARE DISTINGUISH ED

"Exhibit A"

OR CHARACTERIZED BY THEIR EMPHASIS ON MATTER DEPICTING, DESCRIBING, OR RELATING TO "SPECIFIED SEXUAL ACTIVITIES" OR "SPECIFIED ANATOMICAL AREAS".

B. INSTRUMENTS, DEVICES, OR PARAPHERNALIA WHICH IS DESIGNED FOR USE OR MARKETED PRIMARILY FOR STIMULATION OF HUMAN GENITAL ORGANS OR FOR SADOMASOCHISTIC USE OR ABUSE OF THEMSELVES OR OTHERS.

C. AN ESTABLISHMENT MAY HAVE OTHER PRINCIPAL BUSINESS PURPOSES THAT DO NOT INVOLVE THE OFFERING FOR SALE, RENTAL, OR VIEWING OF MATERIALS DEPICTING OR DESCRIBING "SPECIFIED SEXUAL ACTIVITIES" OR "SPECIFIED ANATOMICAL AREAS", AND STILL BE CATEGORIZED AS AN ADULT BOOKSTORE, ADULT NOVELTY STORE, OR ADULT VIDEO STORE. SUCH OTHER BUSINESS PURPOSES WILL NOT SERVE TO EXEMPT SUCH ESTABLISHMENTS FROM BEING CATEGORIZED AS AN ADULT BOOK STORE, ADULT NOVELTY STORE, OR ADULT VIDEO STORE SO LONG AS ONE OF ITS PRINCIPAL BUSINESS PURPOSES IS OFFERING FOR SALE OR RENTAL, FOR SOME FORM OF CONSIDERATION, THE SPECIFIED MATERIALS WHICH DEPICT OR DESCRIBE "SPECIFIED SEXUAL ACTIVITIES" OR "SPECIFIED ANATOMICAL AREAS".

2. ADULT CABARET MEANS A NIGHTCLUB, BAR, RESTAURANT, "BOTTLE CLUB", OR SIMILAR COMMERCIAL ESTABLISHMENT, WHETHER OR NOT ALCOHOLIC BEVERAGES ARE SERVED, WHICH FEATURES:

A. PERSONS WHO APPEAR NUDE OR IN A STATE OF NUDITY OR SEMI-NUDITY

B. LIVE PERFORMANCES WHICH ARE CHARACTERIZED BY THE EXPOSURE OF "SPECIFIED SEXUAL ACTIVITIES" OR "SPECIFIED ANATOMICAL AREAS"; OR

C. FILMS, MOTION PICTURES, VIDEO CASSETTES, SLIDES, OR OTHER PHOTOGRAPHIC REPRODUCTIONS WHICH ARE CHARACTERIZED BY THE DEPICTION OR DESCRIPTION OF "SPECIFIED SEXUAL ACTIVITIES" OR "SPECIFIED ANATOMICAL AREAS".

3. ADULT DRIVE-IN THEATER MEANS A DRIVE-IN THEATER FOR PRESENTING MATERIAL DISTINGUISHED OR CHARACTERIZED BY AN EMPHASIS ON MATTER DEPICTING, DESCRIBING, OR RELATING TO "SPECIFIED SEXUAL ACTIVITIES" OR "SPECIFIED ANATOMICAL AREAS", FOR OBSERVATION BY PATRONS.

4. ADULT ENTERTAINMENT MEANS PERFORMANCES BY TOPLESS AND/OR BOTTOMLESS DANCERS, STRIPPERS OR SIMILAR ENTERTAINERS, WHERE SUCH PERFORMANCES ARE CHARACTERIZED BY THE DISPLAY OR EXPOSURE OF SPECIFIED ANATOMICAL AREAS OR SPECIFIED SEXUAL ACTIVITIES.

5. ADULT ENTERTAINMENT FACILITIES MEANS ANY OF THE FOLLOWING USES: ADULT BOOKSTORES, ADULT NOVELTY STORES, ADULT VIDEO STORES, ADULT DRIVE-IN THEATERS, ADULT PHOTOGRAPHY STUDIOS, ADULT CABARETS, MASSAGE ESTABLISHMENTS, FINGER-PAINTING STUDIOS, ADULT MOTELS, ADULT MOTION PICTURE THEATERS, OR ANY OTHER SIMILAR PERSONAL SERVICE OR ENTERTAINMENT FACILITIES WHICH EMPHASIZE NUDITY AND/OR SEXUAL ACTIVITIES AS AN ENTERTAINMENT MEDIUM.

6. ADULT MOTEL MEANS A MOTEL, HOTEL, OR SIMILAR COMMERCIAL ESTABLISHMENT WHICH:

   A. OFFERS PUBLIC ACCOMMODATIONS, FOR ANY FORM OF CONSIDERATION, WHICH PROVIDES PATRONS WITH CLOSED-CIRCUIT TELEVISION TRANSMISSIONS, FILMS, MOTION PICTURES, VIDEO CASSETTES, SLIDES, OR OTHER PHOTOGRAPHIC REPRODUCTIONS WHICH ARE CHARACTERIZED BY DEPICTION OR DESCRIPTION OF "SPECIFIED SEXUAL ACTIVITIES" OR "SPECIFIED ANATOMICAL AREAS" AND WHICH ADVERTISE THE AVAILABILITY OF THIS SEXUALLY-ORIENTED TYPE OF MATERIAL BY MEANS OF A SIGN VISIBLE FROM A PUBLIC RIGHT-OF-WAY, OR BY MEANS OF ANY OFF-PREMISES ADVERTISING INCLUDING BUT NOT LIMITED TO, NEWSPAPERS, MAGAZINES, PAMPHLETS, OR LEAFLETS, RADIOS, OR TELEVISIONS; OR

   B. OFFERS A SLEEPING ROOM FOR RENT FOR A PERIOD OF LESS THAN TEN HOURS; OR

   C. ALLOWS A TENANT OR OCCUPANT TO SUB-RENT THE SLEEPING ROOM FOR A TIME PERIOD OF LESS THAN TEN HOURS.

7. ADULT MINI-MOTION PICTURE THEATER MEANS AN ENCLOSED BUILDING WITH A CAPACITY OF LESS THAN FILLY PERSONS USED FOR PRESENTING MATERIAL DISTINGUISHED OR CHARACTERIZED BY AN EMPHASIS ON MATTER DEPICTING, DESCRIBING, OR

RELATING TO "SPECIFIED SEXUAL ACTIVITIES" OR "SPECIFIED ANATOMICAL AREAS" FOR OBSERVATION BY PATRONS THEREIN.

8. ADULT MOTION PICTURE THEATER MEANS AN ENCLOSED BUILDING WITH A CAPACITY OF FIFTY OR MORE PERSONS USED FOR PRESENTING MATERIAL DISTINGUISHED OR CHARACTERIZED BY AN EMPHASIS ON MATTER DEPICTING, DESCRIBING, OR RELATING TO "SPECIFIED SEXUAL ACTIVITIES" OR "SPECIFIED ANATOMICAL AREAS" FOR OBSERVATION BY PATRONS THEREIN.

9. MAINSTREAM PERFORMANCE HOUSE MEANS A THEATER, CONCERT HALL, AUDITORIUM, OR SIMILAR ESTABLISHMENT, WHICH REGULARLY FEATURES MOVIES OR LIVE PERFORMANCES SUCH AS PLAYS OR CONCERTS WHICH ARE NOT DISTINGUISHED OR CHARACTERIZED BY AN EMPHASIS ON THE DEPICTION, DESCRIPTION, OR DISPLAY OR THE FEATURING OF "SPECIFIED ANATOMICAL AREAS" OR "SPECIFIED SEXUAL ACTIVITIES" AND WHERE SUCH DEPICTION, IF ANY, IS ONLY INCIDENTAL TO THE PRIMARY PURPOSE OF ANY PERFORMANCE.

10. NUDE MODEL STUDIO MEANS A PLACE WHERE A PERSON, WHO REGULARLY APPEARS IN A STATE OF NUDITY OR DISPLAYS "SPECIFIED ANATOMICAL AREAS" IS PROVIDED FOR MONEY OR ANY FORM OF CONSIDERATION TO BE OBSERVED, SKETCHED, DRAWN, PAINTED, SCULPTURED, PHOTOGRAPHED, OR SIMILARLY DEPICTED BY OTHER PERSONS.

11. NUDE OR STATE OF NUDITY MEANS THE SHOWING, REPRESENTATION, OR DEPICTION OF HUMAN MALE OR FEMALE GENITALS, BARE BUTTOCKS, ANUS, OR THE AREOLA OR NIPPLE OF THE FEMALE BREAST WITH LESS THAN FULL, OPAQUE COVERING OF ANY PORTION THEREOF BELOW THE TOP OF THE NIPPLE OR OF UNCOVERED MALE GENITALS IN A DISCERNIBLY TURGID STATE.

12. SEMI-NUDE MEANS A STATE OF DRESS IN WHICH THE CLOTHING COVERS NO MORE THAN THE GENITALS, PUBIC REGION AND THE AREOLA OF THE FEMALE BREAST, AS WELL AS PORTIONS OF THE BODY COVERED BY SUPPORTING STRAPS OR DEVICES.

13. SPECIFIED ANATOMICAL AREA MEANS LESS THAN COMPLETELY AND OPAQUELY COVERED HUMAN GENITALS, PUBIC REGION, BUTTOCKS, OR THE AREOLA OR NIPPLE OF THE FEMALE BREAST; HUMAN MALE GENITALS IN A DISCERNIBLY TURGID STATE EVEN IF COMPLETELY AND OPAQUELY COVERED.

14. SPECIFIED SEXUAL ACTIVITIES MEANS HUMAN GENITALS IN A STATE OF SEXUAL STIMULATION OR AROUSAL; ACTS, REAL OR SIMULATED, OF HUMAN FONDLING, SEXUAL INTERCOURSE, SODOMY, CUNNILINGUS, OR FELLATIO; FONDLING OR OTHER EROTIC TOUCHING OF HUMAN GENITALS, PUBIC REGION, BUTTOCKS, OR FEMALE BREASTS.

C. REGULATIONS

ADULT ENTERTAINMENT FACILITIES AND LIKE USES, SHALL BE A CONDITIONAL USE WITHIN AN I LIGHT INDUSTRIAL DISTRICT AND SUBJECT TO THE FOLLOWING CONDITIONS:

1. NO ADULT ENTERTAINMENT FACILITY SHALL BE ESTABLISHED WITHIN 500 FEET OF ANY AREA ZONED FOR RESIDENTIAL USE.

2. NO ADULT ENTERTAINMENT FACILITY SHALL BE ESTABLISHED WITHIN A RADIUS OF 1,000 FEET OF ANY SCHOOL, LIBRARY, OR TEACHING FACILITY, WHETHER PUBLIC OR PRIVATE, GOVERNMENTAL OR COMMERCIAL, WHICH INCLUDES SCHOOLS, LIBRARIES, OR TEACHING FACILITIES IF ATTENDED BY PERSONS UNDER 18 YEARS OF AGE.

3. NO ADULT ENTERTAINMENT FACILITY SHALL BE ESTABLISHED WITHIN A RADIUS OF 1,000 FEET OF ANY PARK, RECREATIONAL FACILITY, OR CAMP ATTENDED BY PERSONS UNDER 18 YEARS OF AGE.

4. NO ADULT ENTERTAINMENT FACILITY SHALL BE ESTABLISHED WITHIN A RADIUS OF 500 FEET OF ANY OTHER ADULT ENTERTAINMENT FACILITY OR WITHIN A RADIUS OF 500 FEET OF ANY TWO OF THE FOLLOWING ESTABLISHMENTS (OR OF ANYONE ESTABLISHMENT WHICH COMBINES TO ANY DEGREE ANY TWO OF THE FOLLOWING ACTIVITIES), WHETHER WITHIN ST. MARYS TOWNSHIP OR ANY OTHER POLITICAL SUBDIVISION:

A. ESTABLISHMENTS FOR THE SALE OF BEER OR INTOXICATING LIQUOR FOR CONSUMPTION ON THE PREMISES.

B. PAWN SHOPS.

C. POOL OR BILLIARD HALLS.

D. PINBALL PALACES, HALLS, OR ARCADES.

E. DANCE HALLS OR DISCOTHEQUES.

5. NO ADULT ENTERTAINMENT FACILITY SHALL BE ESTABLISHED WITHIN A RADIUS OF 1,000 FEET OF ANY CHURCH, SYNAGOGUE, OR PERMANENTLY ESTABLISHED PLACE OF RELIGIOUS SERVICES WHICH IS ATTENDED BY PERSONS UNDER 18 YEARS OF AGE.

6. ALL BUILDING OPENINGS, ENTRIES, WINDOWS, ETC., FOR ADULT USES SHALL BE LOCATED, COVERED, OR SURFACED IN SUCH A MANNER AS TO PREVENT A VIEW INTO THE INTERIOR FROM ANY PUBLIC OR SEMI -PUBLIC AREA, SIDEWALK, OR STREET. FOR NEW CONSTRUCTION, THE BUILDING SHALL BE ORIENTED SO AS TO MINIMIZE ANY POSSIBILITY OF VIEWING THE INTERIOR FROM PUBLIC OR SEMI-PUBLIC AREAS.

7. IN GRANTING ANY SUCH CONDITIONAL USE, THE BZA MAY PRESCRIBE ANY CONDITIONS THAT IT DEEMS NECESSARY IN THE PUBLIC INTEREST. HOWEVER, NO CONDITIONAL USE SHALL BE APPROVED BY THE BZA UNLESS IT FINDS THAT THE USE FOR WHICH SUCH APPROVAL IS SOUGHT, IS NOT LIKELY TO BE DANGEROUS OR DETRIMENTAL TO NEARBY PROPERTIES, THAT THE USE WILL NOT BE CONTRARY TO ANY PROGRAM OF CONSERVATION, OR IMPROVEMENT, EITHER RESIDENTIAL OR NONRESIDENTIAL, OR BE CONTRARY TO THE PUBLIC SAFETY, AND GENERAL WELFARE OF ST. MARYS TOWNSHIP.

8. THE MEASURE OF DISTANCES FOR PURPOSES OF THIS SECTION SHALL BE FROM PROPERTY LINE TO PROPERTY LINE ALONG THE SHORTEST POSSIBLE COURSE, REGARDLESS OF ANY CUSTOMARY OR COMMON ROUTE OR PATH OF TRAVEL, I.E., "AS THE CROW FLIES".

9. NOTHING CONTAINED IN THIS CODE SHALL APPLY TO THE PREMISES OF ANY MAINSTREAM PERFORMANCE HOUSE OR MUSEUM.

10. ANY ESTABLISHMENT OFFERING LIVE DANCING PERFORMANCES SHALL ADHERE TO THE FOLLOWING REGULATIONS:

A. THE DANCING PERFORMANCES SHALL BE CONFINED TO A CLEARLY DEFINED STAGE OR PLATFORM AREA THAT IS ELEVATED AT LEAST TWO FEET ABOVE THE NORMAL FLOOR ELEVATION OF THE ESTABLISHMENT.

B. THERE SHALL BE A CLEARLY DEFINED AND DELINEATED THREE-FOOT "BUFFER" AREA OR SPACE BETWEEN THE AFORESAID STAGE OR PLATFORM AND ANY AREA OF THE ESTABLISHMENT IN WHICH CUSTOMERS ARE CUSTOMARILY SEATED AND/OR SERVED.

C. SAID "BUFFER" ZONE SHALL BE CLEARLY AND PERMANENTLY DELINEATED BY RAIL, ROPE, ENCLOSURE, OR OTHER SIMILAR MEANS.

D. ALL DANCING OR ENTERTAINMENT SHALL BE CONFINED TO THE STAGE OR PLATFORM AREA AS DEFINED HEREIN.

E. AT NO TIME DURING THE PERFORMANCE SHALL THE PATRONS OR THE ENTERTAINERS BE PERMITTED TO ENCROACH ON THE AFOREDESCRIBED "BUFFER" ZONE.

F. THE ENTERTAINERS AND PATRONS ARE PROHIBITED FROM COMMINGLING WITH OR TOUCHING ONE ANOTHER WHILE THE ENTERTAINERS ARE ON STAGE OR PLATFORM.

D. SAVINGS CLAUSE

IF ANY SENTENCE, CLAUSE, OR PART OF THIS SECTION IS FOUND TO BE UNCONSTITUTIONAL, ILLEGAL, OR INVALID, SUCH UNCONSTITUTIONALITY, ILLEGALITY, OR INVALIDITY SHALL AFFECT ONLY SUCH CLAUSE, SENTENCE, SECTION OR PART OF THIS SECTION AND SHALL NOT AFFECT OR IMPAIR ANY OF THE REMAINING PROVISIONS, SENTENCES, CLAUSES, SECTIONS, OR OTHER PARTS OF THIS CHAPTER. IT IS HEREBY DECLARED TO BE THE INTENTION OF THE TRUSTEES THAT THIS SECTION WOULD HAVE BEEN ADOPTED HAD SUCH UNCONSTITUTIONAL, ILLEGAL, OR INVALID SENTENCE, CLAUSE, SECTION, OR PART THEREOF NOT BEEN INCLUDED.

CHAPTER 4
ZONING DISTRICT REGULATIONS

401.6 Height Limitations
No structure shall exceed ~~twenty-eight (28)~~ **THIRTY-FIVE (35)** feet in height.

402.5 Height Limitations
No dwelling or other structure shall exceed ~~twenty-eight (28)~~ **THIRTY-FIVE (35)** feet in height.

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No dwelling or other structure shall exceed ~~twenty-eight (28)~~ **THIRTY-FIVE (35)** feet in height.

406.5 Height Limitations
No dwelling or other structure shall exceed ~~twenty-eight (28)~~ **THIRTY-FIVE (35)** feet in height.

407.5 Height Limitations
No dwelling or other structure shall exceed ~~twenty-eight (28)~~ **THIRTY-FIVE (35)** feet in height.

408.5 Height Limitations
No dwelling or other structure shall exceed ~~twenty-eight (28)~~ **THIRTY-FIVE (35)** feet in height.

409.3 **HEIGHT LIMITATIONS**
**NO DWELLING OR OTHER STRUCTURE SHALL EXCEED THIRTY-FIVE (35) FEET IN HEIGHT.**

410.5 Height Limitations
No structure shall exceed ~~twenty-eight (28)~~ **THIRTY-FIVE (35)** feet in height.

411.5 Height Limitations
No structure shall exceed ~~twenty-eight (28)~~ **THIRTY-FIVE (35)** feet in height.

412.5 Height Limitations

No structure shall exceed ~~twenty-eight (28)~~ **THIRTY-FIVE (35)** feet in height.

413 I-1 General Industrial District

This district is established to accommodate industrial use at appropriate locations within St. Marys Township.

413.1 Principal Permitted Use

The following use is permitted in the I-1 District:

- Agriculture.
- The manufacture, compounding, processing, packing or treatment of such products as candy, cosmetics, wood products, drugs, perfumes, pharmaceutical, toiletries, and food products except the rendering or refining of fats and oils.
- Warehousing and wholesaling.
- Research laboratories and offices.
- Newspaper and blueprinting establishments.
- Contractors' yards and storage facilities provided however, that all equipment, tools and facilities shall be neatly arranged, stored or kept within a suitable building.
- Manufacture of clothing, leather goods, athletic equipment.
- Metal processing such as fabrication, stamping extrusion, welding, finishing, polishing.
- Assembly of small products, such as: cameras, clocks, jewelry, cutlery, kitchen utensils; electrical appliances such as lighting fixture irons, fans, toasters, toys; electrical equipment such as home radio and television, movie equipment; small electrical supplies and electrical components; hand tools, dies, engineering, medical and musical instruments and similar small steel products.
- Plastic molding and extrusion.
- Outdoor Advertising (See Section 507).
- Oil and Gas Drilling (See Section 303).

413.3 Conditionally Permissible Use

The following use may be approved by the Board of Zoning Appeals in accordance with Section 1004 in the I-1 District.

- Storage of petroleum products and gases under pressure.
- Quarrying (See Section 510).
- Landfills
- **ADULT ENTERTAINMENT BUSINESSES AS DEFINED IN SECTION 313 OF THIS RESOLUTION AND SUBJECT TO THE RESTRICTIONS CONTAINED THEREIN.**

413.6 Height Limitations

No structure shall exceed ~~twenty-eight (28)~~ **THIRTY-FIVE (35)** feet in height **UNLESS A HEIGHT IN EXCESS THEREOF IS APPROVED BY THE BOARD OF ZONING APPEALS.**

CHAPTER 5
SUPPLEMENTARY DISTRICT REGULATIONS

506 Fences

~~Except as provided in Section 503.2, f~~ Fences or walls are permitted in any ~~required yard, that no fence or wall in any residential zoning district may exceed six (6) feet in height.~~ DISTRICT SUBJECT TO THE FOLLOWING SUPPLEMENTAL REGULATIONS;

- SECTION 503.2 OF THIS RESOLUTION.
- ALL FENCES, EXCEPT A TEMPORARY FENCE, SHALL REQUIRE A BUILDING PERMIT.
- NO FENCE SHALL BE ERECTED THAT EXCEEDS SIX (6) FEET IN HEIGHT.
- NO BARBED WIRE SHALL BE USED IN THE CONSTRUCTION OF ANY FENCE IN ANY RESIDENTIAL DISTRICT.
- NO ELECTRIFIED FENCES ARE PERMITTED IN ANY RESIDENTIAL DISTRICT.
- ALL FENCES SHALL HAVE THE SUPPORTING STRUCTURES ERECTED ON THE INSIDE OF THE ENCLOSED AREA.
- ALL FENCES THAT ARE PAINTED OR STAINED SHALL BE PAINTED/STAINED THE SAME COLOR, DESIGN AND SCHEME ON BOTH SIDES OF THE FENCE.
- ALL FENCES ERECTED ALONG THE DIVISION LINE BETWEEN LOTS SHALL BE SET BACK THREE (3) FEET FROM SAID LOT LINE UNLESS SAID FENCE IS IN JOINT OWNERSHIP OF THE OWNERS OF EACH LOT.
- IN ALL RESIDENTIAL DISTRICTS NO BOUNDARY FENCE SHALL BE ERECTED WHICH IS MORE THAN THREE AND ONE-HALF (3½) FEET IN HEIGHT ABOVE THE PLAIN OF THE FINISHED GRADE OF THE LOTS AT THE DIVISION LINE BETWEEN THE LOTS UNLESS A VARIANCE HAS BEEN GRANTED BY THE BOARD OF ZONING APPEALS.
- ANY FENCE, REGULATED BY THIS RESOLUTION, THAT HAS FOR ANY REASON BEEN MORE THAN 60% DESTROYED, MAY ONLY BE REPLACED BY A FENCE MEETING THE CURRENT ZONING REGULATIONS.
- NO FENCE SHALL BE PERMITTED IN THE FRONT YARD IN ANY RESIDENTIAL DISTRICT WITHOUT A VARIANCE BEING GRANTED BY THE BOARD OF ZONING APPEALS. SUCH FENCE MUST MEET THE REQUIREMENTS FOR SETBACKS, HEIGHT AND DESIGN AS CONTAINED IN THE ZONING RESOLUTION. SUCH FENCES, ALLOWED BY VARIANCE, IN A FRONT YARD SHALL NOT BE HIGHER THAN TWO AND ONE-HALF (2½) FEET IN HEIGHT AND SHALL NOT INTERFERE WITH THE VISIBILITY FROM A

DRIVEWAY OR PUBLIC RIGHT-OF-WAY. THE ZONING INSPECTOR IS EMPOWERED TO CAUSE ALL SUCH OBSTRUCTIONS TO BE REMOVED IN THE INTEREST OF PUBLIC SAFETY.

- A PRIVACY FENCE, WHICH SHALL NOT EXCEED SIX (6) FEET IN HEIGHT, MAY BE ERECTED IN ANY REAR OR SIDE YARD AROUND A PATIO OR PRIVATE SWIMMING POOL AND MAY BE ATTACHED TO THE RESIDENCE AS LONG AS SAID FENCE MEETS THE REQUIRED SIDE AND REAR SETBACKS FOR THE ZONING DISTRICT AND IS OF MINIMUM SIZE REQUIRED TO ENCLOSE SAID PATIO OR POOL.

## CHAPTER 12
## DEFINITIONS

"FENCE"

AN ENCLOSURE, BARRIER, OR SCREEN WHOSE PURPOSE IS TO PHYSICALLY AND/OR VISUALLY CONTAIN, ON ONE OR MORE SIDES, USES OR ACTIVITIES WHICH ARE CARRIED OUT ON A PARTICULAR LOT.

"TEMPORARY FENCE"

A FENCE DESIGNED TO ENCLOSE A CONSTRUCTION SITE OR OTHER TEMPORARY USE AND IN PLACE FOR 6 MONTHS OR LESS

New language proposed is indicated by all CAPITALS and **BOLD** print. Deleted language is indicated by ----------.

No other provisions or language of the St. Marys Township Zoning Resolution is hereby proposed to be amended.

AS RECOMMENDED BY THE ST. MARYS TOWNSHIP ZONING COMMISSION ON MAY 16, 2006