

# **ST. MARYS TOWNSHIP ZONING**

**11-18-2025**



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## **CHAPTER 1 - GENERAL PROVISIONS**

### **1.00 TITLE**

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

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, matters relating to the location, height, bulk, number of stories, and size of buildings and other structures, including tents, cabins, and trailer coaches; the percentage of lot areas that may be occupied; setback building lines; the size 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 purposes within the unincorporated territory of St. Marys Township. For such purposes, the Board shall divide all of St. Marys Township into zoning districts.

### **1.02 REPEAL OF PREVIOUS ZONING RESOLUTION**

Upon the adoption of this Resolution and its subsequent effective date, the previous Zoning Resolution, or any amendments thereto, shall be repealed.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 considered the minimum requirements adopted for the promotion of the public health, safety, and 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 in 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 the 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 the 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 uses, St. Marys Township is divided into zoning districts as shown on the Official Zoning Map. These districts include the following, and are 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-Density Single-Family 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 Ohio Revised Code (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, this Resolution does not restrict the use of land for agricultural purposes or the construction of buildings and structures intended for agricultural purposes.

#### **(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 Ohio Revised Code (ORC) 519.21, this Resolution regulates agricultural 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 Ohio Revised Code (ORC) 519.21, the use of any land for a farm market where fifty percent (50%) 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 required parking areas, setback building lines, and ingress or egress.

### **3.01 PUBLIC UTILITIES & TELECOMMUNICATIONS TOWERS**

Pursuant to Ohio Revised Code (ORC) 519.211, the Revised Code confers no power on any board of township trustees or board of zoning appeals with 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 Ohio Revised Code (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 an establishment sells alcoholic beverages, such usage must be permitted 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 minimum lot size requirements for 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 it less than the minimum required by this 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 feet (50'), and at no point shall the width of the lot be less than fifty feet (50'). 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 that is greater than three (3) to one (1). In other words, a lot that has 100 feet of lot width may not have a lot depth greater than 300 feet. 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 Ohio Revised Code (ORC) 3733, 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 Resolution is permitted in any district that 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 the 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 by the issuance date of a building permit for the permanent structure.

**(E) Replacement of Manufactured Homes**

Any lawfully existing manufactured home located on an individual lot 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 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 eight hundred square feet (800 sq. ft.) of gross living area exclusive of garages, breezeways, unfinished basements, or other spaces not typically used as a 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 the dwelling provides more than six hundred square feet (600 sq. ft.) of gross living area exclusive of garages, breezeways, unfinished basements, or other spaces not typically used as a 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 Rainwater and Land Development – Ohio's Standards for Storm Water Management, Land Development and Urban Stream Protection; Third Edition 2006, updated November 6, 2014, published by the Ohio Department of Natural Resources (ODNR) Division of Soil and Water Conservation.

### **3.13 TEMPORARY USES**

Within all zoning districts, except FP, temporary uses such as carnivals and church festivals may be allowed subject to approval by 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 that permits dwellings as a principal permitted use, the outside storage of a boat, recreational vehicle, or utility trailer for more than forty-eight (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.
- 2) Such vehicle is uninhabited.
- 3) Such boat, vehicle, or trailer is parked in the side or rear yards.
- 4) Such boat, vehicle, or trailer is at least five feet (5') from any adjoining property line.

### **3.15 REGULATION OF SIGNS AND OUTDOOR ADVERTISING**

Commercial signs that identify a place of business where goods or services are 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 of this Resolution. 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) Holiday, special event, and political signs that are removed within thirty (30) days following the holiday, special event, and/or 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 one hundred twenty (120) days, and do not reappear.
- 8) Government signs or notices.



## **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, and 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 that 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 reflect, as closely as possible, 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 compliance determinations with the Auglaize County Floodplain Regulations shall be made using official Flood Insurance Rate Maps (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, 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, any use that is conditionally permitted within the underlying zoning district is allowed 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 that involves the storage of materials that are flammable or explosive, or involves the storage of 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 shall be allowed.

### **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 rural character of these areas may be preserved and maintained.

### **5.01 PRINCIPAL PERMITTED USES**

The following uses are permitted in the Agricultural Zoning District:

- Agriculture
- Single-family dwellings
- Churches
- Public or private schools
- Cemeteries
- Nurseries, including the sale of plant materials
- Greenhouse and hoop houses
- Public recreation facilities
- Farm markets and roadside stands (See Section 5.08)
- Accessory uses such as private garages, swimming pools (see Section 18.08), and accessory structures such as storage sheds
- Home occupations (See Section 18.09)
- Group residential facility (Class I, Type B)
- Convalescent homes and day care facilities

### **5.02 CONDITIONALLY PERMITTED USES**

The following uses 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
- Uses and structures, which are customarily accessory to a principal use, located on an individual lot without a principal use or structure
- Solar panels
- Small wind turbines
- Recreational ponds
- Commercial storage of recreational vehicles, including boats and campers
- Small Solar Energy Systems as provided for in Section 18.15 of this Resolution

### **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 feet (80') from any State Highway and not less than thirty-five feet (35') 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 feet (20').

**(C) Rear Yards:**

There shall be a minimum rear yard of forty feet (40').

**5.04 MINIMUM SETBACKS FOR ACCESSORY STRUCTURES**

With the exception of roadside 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 feet (5') to any property line.

**5.05 HEIGHT LIMITATIONS:**

No dwelling or other structure shall exceed thirty-five feet (35') 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 rights-of-way 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 three (3) to one (1).

**5.07 SIGN REGULATIONS**

All non-residential permitted uses, with the exception of home occupations, may have one (1) illuminated sign or electronic message center with not more than twenty-five square feet (25 sq. ft.) of total sign area.

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

In order to help preserve the 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 that 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 retain 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
- Public parks, playgrounds, or other non-commercial recreational facilities
- Accessory uses such as private garages, swimming pools (See Section 18.08), and accessory structures such as storage sheds
- Home occupations (see Section 18.09)
- Group residential facility (Class I, Type B)

### **6.02 CONDITIONALLY PERMITTED USES**

The following uses may be approved by the Board of Zoning Appeals in accordance with Section 23.04 in the Low-Density Single-Family 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 roadside stands (See Section 18.11).
- Uses and structures, which are customarily accessory to a principal use, located on an individual lot without a principal use or structure
- Cemeteries
- Churches
- Solar panels
- Small wind turbines
- Greenhouses
- Hoop houses
- Recreational ponds
- Small Solar Energy System, roof mounted only, as provided for in Section 18.15 of this Resolution

### **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 feet (35') measured from the right-of-way line.

**(B) Side Yards:**

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

**(C) Rear Yards:**

There shall be a minimum rear yard of forty feet (40').

**6.04 MINIMUM SETBACKS FOR ACCESSORY STRUCTURES**

All accessory structures shall meet the following yard requirements:

With the exception of roadside 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 feet (5') to any property line.

**6.05 HEIGHT LIMITATIONS**

No dwelling or other structure shall exceed thirty-five feet (35') 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 three (3) to one (1).

**6.07 SIGN REGULATIONS**

All non-residential permitted uses may have one illuminated sign or electronic message center with not more than twenty-five square feet (25 sq. ft.) 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 suburban residential developments.

### **7.01 PRINCIPAL PERMITTED USES**

The following uses are 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 uses such as private garages, swimming pools (see Section 18.08), and accessory structures such as storage sheds
- Home occupations (See Section 18.09)
- Group residential facility (Class I, Type B)

### **7.02 CONDITIONALLY PERMITTED USES**

The following uses may be approved by the Board of Zoning Appeals in accordance with Section 23.04 in the Medium-Density Single-Family 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 roadside stands (See Section 18.11)
- Uses and structures, which are customarily accessory to a principal uses, located on an individual lot without a principal use or structure
- Churches
- Cemeteries
- Solar panels
- Small wind turbines
- Greenhouses
- Hoop houses

### **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 feet (35') 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 feet (20').

**(C) Rear Yards:**

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

**7.04 MINIMUM SETBACKS FOR ACCESSORY STRUCTURES**

All accessory structures shall meet the following yard requirements:

With the exception of roadside 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 feet (5') to any property line.

**7.05 HEIGHT LIMITATIONS**

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

**7.06 MINIMUM LOT DIMENSIONS**

All residential lots shall have minimum lot dimensions as follows:

| <b>Public<br/>Water<br/><u>Available</u></b> | <b>Central Sewer<br/>Treatment<br/><u>Available</u></b> | <b>Minimum<br/>Lot<br/><u>Width</u></b> | <b>Lot Area Per<br/>Dwelling Unit*<br/><u>(SQ. FT.)</u></b> |
|----------------------------------------------|---------------------------------------------------------|-----------------------------------------|-------------------------------------------------------------|
| YES                                          | NO                                                      | 3 to 1 width to<br>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 uses may have one illuminated sign or electronic message center with not more than twenty-five square feet (25 sq. ft.) 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 redevelopment 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 uses are 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 uses 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)
- Group residential facility (Class I, Type B)

### **8.02 CONDITIONALLY PERMITTED USES**

The following uses may be approved by the Board of Zoning Appeals in accordance with Section 23.04 in the Special Medium-Density Single-Family 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 roadside stands (See Section 18.11)
- Uses and structures, which are customarily accessory to a principal use, located on an individual lot without a principal use or structure
- Churches
- Cemeteries
- Solar panels
- Small wind turbines
- Greenhouses
- Hoop houses

### **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 feet (25') measured from the 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 feet (8') on either side yard, and the combined side yard widths shall not be less than twenty feet (20').

**(C) Rear Yards**

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

**8.04 MINIMUM SETBACKS FOR ACCESSORY STRUCTURES**

All accessory structures shall meet the following yard requirements:

With the exception of roadside stands and farm markets offering the sale of agricultural products produced on the premises, accessory structures may not be located closer to a frontage lot line as represented on the county tax map than the principal structure. All accessory structures also shall not be located closer than five feet (5') to any property line.

**8.05 HEIGHT LIMITATIONS**

No dwelling or other structure shall exceed thirty-five feet (35') 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 feet (75') of frontage.

**8.07 SIGN REGULATIONS**

All non-residential permitted uses may have one illuminated sign or electronic message center with not more than twenty-five square feet (25 sq. ft.) 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 redevelopment of the Villa Nova area of St. Marys Township, or potentially other areas of St. Marys Township where high-density single-family development is deemed to be desirable.

### **9.01 PRINCIPAL PERMITTED USES**

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 uses such as private garages, swimming pools (see Section 18.08), and accessory structures such as storage sheds
- Home occupations (See Section 18.09)
- Group residential facility (Class I, Type B)

### **9.02 CONDITIONALLY PERMITTED USES**

The following uses may be approved by the Board of Zoning Appeals in accordance with Section 23.04 in the Special Medium-Density Single-Family 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, located on an individual lot without a principal use or structure
- Churches
- Cemeteries
- Solar panels
- Small wind turbines
- Greenhouses
- Hoop houses

### **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 feet (25') measured from the right-of-way line.

**(B) Side Yards:**

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

**(C) Rear Yards**

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

**9.04 MINIMUM SETBACKS FOR ACCESSORY STRUCTURES**

All accessory structures shall meet the following yard requirements:

With the exception of roadside 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 feet (5') to any property line.

**9.05 HEIGHT LIMITATIONS**

No dwelling or other structure shall exceed thirty-five feet (35') 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 feet (75') of frontage.

**9.07 SIGN REGULATIONS**

All non-residential permitted uses may have one illuminated sign or electronic message center with not more than twenty-five square feet (25 sq. ft.) 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 redevelopment of the northern portions of 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 uses are permitted in the Special Mixed 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 uses 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 uses may be approved by the Board of Zoning Appeals in accordance with Section 23.04 in the Special 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, located on an individual lot without a principal use or structure
- Churches
- Cemeteries
- Day Care Centers
- Solar panels
- Small wind turbines
- Greenhouses
- Hoop houses

### **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 feet (25') measured from the right-of-way line.

**(B) Side Yards**

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

**(C) Rear Yards**

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

**10.04 MINIMUM SETBACKS FOR ACCESSORY STRUCTURES**

All accessory structures shall meet the following yard requirements:

With the exception of roadside 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 feet (5') to any property line.

**10.05 HEIGHT LIMITATIONS**

No dwelling or other structure shall exceed thirty-five feet (35') 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 ten (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 10.08 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 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 Chapter 21 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 the proposed arrangement of buildings and private drives are acceptable in terms of the area's 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, 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 10.09 above, then approval shall be granted. Action on a proposed plan must take place within thirty (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 uses may have one (1) illuminated sign or electronic message center with not more than twenty-five square feet (25 sq. ft.) 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 of 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 a wider choice of housing options.

### **11.01 PRINCIPAL PERMITTED USES**

The following uses are 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 uses 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 uses 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
- Solar panels
- Small wind turbines
- Greenhouses
- Hoop houses

### **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 feet (8') on either side yard, and the combined side yard widths shall not be less than twenty feet (20').

**(C) Rear Yards**

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

**11.04 MINIMUM SETBACKS FOR ACCESSORY STRUCTURES**

All accessory structures shall meet the following yard requirements:

With the exception of roadside 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 feet (5') to any property line.

**11.05 HEIGHT LIMITATIONS**

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

**11.06 MAXIMUM DENSITY**

Residential developments shall have a maximum density of ten (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 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 the proposed arrangement of buildings and private drives are acceptable in terms of the area's 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 and are 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 are 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 thirty (30) days from the date that the Zoning Inspector accepts the proposed plans and applications and finds them to be complete.

#### **11.11 SIGN REGULATIONS**

All non-residential permitted uses may have one (1) illuminated sign or electronic message center with not more than twenty-five square feet (25 sq. ft.) 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 Ohio Revised Code (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 uses are permitted in the MHP District:

- Agriculture
- Manufactured home parks
- Childcare facilities and nursery schools
- Private recreation facilities for residents
- Home occupations (See Section 18.09)
- Accessory uses such as private garages or storage sheds

### **12.02 CONDITIONALLY PERMITTED USE**

The following uses 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 feet (35') in height.



## **CHAPTER 13 - RECREATION DISTRICT (REC)**

### **13.00 RECREATION DISTRICT (REC)**

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

### **13.01 PRINCIPAL PERMITTED USES**

The following uses are permitted in the REC District:

- Agriculture
- Recreational vehicle parks or recreational camps
- Nature preserves, hiking trails, wildlife areas
- Baseball fields, swimming pools, horseback riding facilities
- Public or private boat launches or boat rentals
- Bait and tackle shops
- Accessory uses such as private garages or storage sheds

### **13.02 CONDITIONALLY PERMITTED USES**

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

- Mini-storage facilities
- Gasoline service stations
- Storage of boats or recreational vehicles
- Private clubs
- Recreational ponds
- Greenhouses

### **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 feet (35') from any public road measured from the right-of-way line.

#### **(B) Side Yards:**

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

#### **(C) Rear Yards:**

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

#### **13.04 MINIMUM SETBACKS FOR ACCESSORY STRUCTURES**

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

#### **13.05 HEIGHT LIMITATIONS**

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

#### **13.08 MAXIMUM HEIGHT OF FREE-STANDING SIGNS**

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

#### **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 commercial uses that primarily serve an immediate neighborhood area with goods and services.

#### **14.01 PRINCIPAL PERMITTED USES**

The following uses are 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 and beauty shops
- Florists, nurseries, and greenhouses
- Antique sales
- Farm markets
- Grocery stores
- Outdoor advertising (See Section 18.07)
- Convalescent homes and day care facilities
- Accessory uses such as private garages, swimming pools (see Section 18.08), and accessory structures such as storage sheds

#### **14.02 CONDITIONALLY PERMITTED USES**

The following uses 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 feet (80') from any State Highway and not less than thirty-five feet (35') 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 feet (15').

**(C) Rear Yards**

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

**14.04 MINIMUM SETBACKS FOR ACCESSORY STRUCTURES**

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

**14.05 HEIGHT LIMITATIONS**

No structure shall exceed thirty-five feet (35') 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, electronic message centers, 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 feet (15').

**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 (1) driveway that 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 commercial uses that primarily serve regional areas with goods and services.

#### **15.01 PRINCIPAL PERMITTED USES**

The following uses are 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 uses such as private garages, swimming pools (see Section 18.08), and accessory structures such as storage sheds.

#### **15.02 CONDITIONALLY PERMITTED USES**

The following uses 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
- Small Solar Energy System as provided for in section 18.15 of this zoning resolution

**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 feet (60') measured from the right-of-way line.

**(B) Side Yards:**

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

**(C) Rear Yards:**

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

**15.04 MINIMUM SETBACKS FOR ACCESSORY STRUCTURES**

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

**15.05 HEIGHT LIMITATIONS**

No structure shall exceed thirty-five feet (35') 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 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, electronic message centers, 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 feet (25').

**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 USES**

The following uses are permitted in the I-1 District:

Agriculture

The manufacturing, compounding, processing, packing, or treatment of such products as candy, cosmetics, wood products, drugs, perfumes, pharmaceuticals, 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

Manufacturing of clothing, leather goods, and athletic equipment

Metal processing such as fabrication, stamping extrusion, welding, finishing, and 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 USES**

The following uses may be approved by the Board of Zoning Appeals in accordance with Section 23.04 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 Ohio Revised Code (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 feet (80').

**(B) Side Yards:**

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

**(C) Rear Yards:**

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

**16.04 MINIMUM SETBACKS FOR ACCESSORY STRUCTURES**

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

**16.05 HEIGHT LIMITATIONS**

No structure shall exceed thirty-five feet (35') 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 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, electronic message centers, 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 feet (25').

**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 that 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 USES**

A developer may propose to include any mixture of uses that 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 that are not detached single-family dwellings.

Small Solar Energy Systems, as provided for in section 18.15 of this Resolution, are permitted.

### **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 that no less than forty percent (40%) 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 that 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 percent (50%) 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 & Design**

Specific residential density, as well as the development intensity of non-residential uses 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 uses and activities.

**(E) Front, Side, and Rear Setback Standards for Perimeter Lots**

All lots that are located along the perimeter of the PUD shall have minimum front, side, and rear setbacks equal to those that 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 its maintenance and care. The legal articles relating to any organization of property owners in the development charged with such open space maintenance are 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 uses 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. 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:

##### **(A) Background Information**

1. Name, address, and phone number of the applicant.
2. Name and address of the registered surveyor, engineer, and/or landscape architect who prepared the plan.
3. Legal description of the property.
4. Description of the present use of the property.
5. A statement of the conceptual overview of the development.
6. A description of the proposed provision of utilities.
7. A description of proposed ownership and maintenance of open spaces.
8. A description of the expected timing of the development.
9. A list of property owners within five hundred feet (500') of the proposed development.

##### **(B) Plan Drawing**

1. A vicinity map.
2. A table showing the gross acreage devoted to various uses.
3. Location, type, and density of development types.
4. Conceptual drainage plan.
5. Location of open spaces.
6. Buffers between incompatible land use.

7. Proposed street layout.
8. Existing buildings and any existing potential underground storage tanks.
9. Overlay maps showing topography in two-foot (2') increments (derived from field survey or aerial photography) and soil types.

**(C) 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 for 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 feet (500') of the proposed development.

**17.07 CRITERIA FOR APPROVAL FOR 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:

1. That the benefits, improved arrangement, and the design of the proposed development justify the deviation from standard development requirements.
2. That the use requested in the proposal is compatible with surrounding land use.
3. That there are adequate public services (e.g. utilities, fire protection, emergency services, etc.) available to serve the proposed development.
4. That the proposed development will not create overcrowding and/or traffic hazards on existing roads and/or intersections.
5. That the arrangement of land uses on the site properly considers topography, significant natural features, natural drainage patterns, views, and roadway access.
6. That the clustering of development sites are shown to preserve any natural or historic features and provide usable common open space.

7. That the proposed road circulation system is integrated and coordinated to include a hierarchical interconnection of interior roads as well as adequate outer connection of interior collector streets with off-site road systems.
8. That there are adequate buffers between incompatible land uses.
9. That the St. Marys Township Zoning Commission is satisfied that the developer possesses 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 not, therefore, 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 uses to be allowed in each area of the development, and a copy of proposed deed restrictions.

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

1. 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.
2. The location and dimensions of all lots, setbacks, and building envelopes, as well as those of any primary and secondary leaching field envelopes.
3. Engineering drawings and plans of sewer and water facilities as well as street and drainage systems.
4. Landscaping plan for all buffers and other common areas.
5. Architectural guidelines to apply throughout the development.
6. The proposed names of all interior streets proposed for the development.

7. 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 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 an 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 17.07, all development restrictions and conditions described in the Final Plan shall become official requirements of the PUD.

## **17.11 CRITERIA OF APPROVAL FOR A 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:

1. That the proposed development advances the general health, safety, and morals of St. Marys Township.
2. That the St. Marys Township Zoning Commission and St. Marys Township Trustees are satisfied that the developer possesses 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.
3. 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.
4. 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.
5. That the area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
6. That the existing and proposed utilities, including water and sewer service, and the 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, classifications 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 may only be permitted in any district during the period construction work is in progress. 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 uses that 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 feet (4') in height if such area is not within an enclosed building or structure. Provisions for adequate vehicular access to and from such an 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 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 feet (10') above the centerline 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 feet (50') 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 that are zoned REC, C-1, C-2 or I-1, and which abut any property that 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 that will have a minimum height of four and one-half (4 1/2) feet within four (4) years and that will provide an opacity of one hundred percent (100%) in the summer and fifty percent (50%) in the winter.

#### **18.05 SATELLITE DISHES / ANTENNAS**

No satellite dish or antenna may block a required exit or other means of emergency egress for a building or other enclosed structure.

- (A) Roof mounted satellite dishes. Such dishes may be mounted directly upon the roof of a primary or accessory structure and shall not be mounted upon appurtenances such as chimneys, towers, trees, poles, or spires.
  - 1. No satellite dish/antenna shall exceed a height of more than five feet (5') above the roof upon which it is mounted.
  - 2. A satellite dish shall not exceed two feet (2') in diameter.
  - 3. No permit is required for a roof-mounted satellite dish/antenna.
- (B) Ground mounted satellite dishes. Ground mounted satellite dishes/antennas shall be installed in a location and manner that will make them as unobtrusive as possible.
  - 1. No satellite dish/antenna or concrete base shall be constructed less than eight feet (8') from any property line.
  - 2. The maximum diameter of a ground mounted satellite dish shall be three feet (3').
  - 3. The maximum height of a ground mounted satellite dish/antenna shall be fifteen feet (15') above natural grade level.

#### **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 feet (6') 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 feet (3') 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 that 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 sixty percent (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 this Resolution. Such fences, allowed by variance, in a front yard shall not be higher than two and one-half (2 1/2) 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 feet (6') 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, signs, electronic message centers, outdoor advertising such as billboards, outdoor advertising displays, or other similar signage must meet the following requirements:

- (A) Outdoor advertising signs, structures, or billboards of any size shall not be located within two hundred feet (200') of any street or road.
- (B) Outdoor advertising signs, structures, or billboards shall not be located within one thousand five hundred feet (1,500') of another outdoor advertising sign.
- (C) Outdoor advertising signs, structures, or billboards shall not be permitted within one thousand feet (1,000') of any building.
- (D) Zoning permits shall be required for all regulated signs as stipulated in this Resolution unless exempted as described and listed in Chapter 3, Section 3.15.

## **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 square feet, are considered accessory uses, 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 feet (20') 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 feet (4') 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 square feet (8 sq. ft.) 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 square feet (8 sq. ft.) 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 Resources as well as the following requirements:

- (A) Fences shall be constructed around the boundary of the operation with a height of at least six feet (6').
- (B) All open pits shall have a slope that is no more steep than vertical without overhangs or excessive back breaks.
- (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 Prosecutor's Office for proper form.

### **18.11 FARM MARKETS AND ROADSIDE STANDS**

Farm Markets and Roadside 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 feet (50') 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 of producing 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; the 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.

(A) 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 five hundred feet (500') of any area zoned for residential use.
- b. No adult entertainment facility shall be established within a radius of one thousand feet (1,000) 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 eighteen (18) years of age.
- c. No adult entertainment facility shall be established within a radius of one thousand feet (1,000') of any park, recreational facility, or camp attended by persons less than eighteen (18) years of age.
- d. No adult entertainment facility shall be established within a radius of five hundred feet (500') of any other adult entertainment facility or within a radius of five hundred feet (500') of any two (2) of the following

establishments (or of any one (1) establishment that combines, to any degree, any two (2) 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.
- (B) No adult entertainment facility shall be established within a radius of one thousand feet (1,000') of any church, synagogue, or permanently established place of religious services, which is attended by persons under eighteen (18) years of age.
- (C) 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.
- (D) In granting any such conditional use, the Board of Zoning Appeals may prescribe any conditions that it deems necessary in the public interest. However no conditional use shall be approved by the Board of Zoning Appeals 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 non-residential, or be contrary to the public safety and general welfare of St. Marys Township.
- (E) 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."
- (F) Nothing contained in this Code shall apply to the premises of any mainstream performance house or museum.
- (G) 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 (2') above the normal floor elevation of the establishment.
  - b. There shall be a clearly defined and delineated three-foot (3') "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 100 kW. All devices with a rated capacity greater than 100 kW shall be prohibited except for public domain applications provided for by the Ohio Department of Public Utilities.
- (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 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, as well as the National Electrical Code.
- (E) Small wind turbines 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.
- (F) The applicant shall provide proof of notification to adjacent property owners as required by Ohio Revised Code (ORC) Section 519.211 (telecommunication towers) and shall conform to ORC 519.213.
- (G) A minimum distance between the ground and any protruding blades is fifteen feet (15') 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.
- (H) The proposed small wind turbine and other wind-powered generator shall maintain a clear fall zone equal to the full height of the turbine (including the tower and blades) plus a ten-foot (10') right-of-way from any property line and private and/or public right-of-way.
- (I) 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 feet (20') to the property boundaries of the subject parcel.

- (J) 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 generators:

| <b><u>Parcel<br/>Size</u></b> | <b><u>Maximum Tower<br/>Height</u></b> |
|-------------------------------|----------------------------------------|
| Up to 2 acres                 | 80 feet                                |
| 2 acres plus                  | 125 feet                               |

- (K) Residential, commercial, or industrial rooftop 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.
- (L) Small wind turbines and other wind-powered generator towers shall not be artificially lit unless such lighting is required by the Federal Aviation Administration (FAA). 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.
- (M) Noise generated from small wind turbines and other wind-powered generators shall not exceed 60 dBA at the nearest residential property line and 75 dBA at the nearest commercial or industrial property line. Failure to adhere to this provision shall constitute an automatic violation of this Resolution.
- (N) 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.
- (O) Abandoned small wind turbines and other wind-powered generators shall be dismantled within six (6) months. Units taken out of service for indefinite but temporary reasons shall provide the Township with proof of proper and effective maintenance. St. Marys Township will consider units without proper maintenance to be abandoned.
- (P) 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.
- (Q) Prior to the installation of a small wind turbine or 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 or 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 fifty feet (50') to any lot line and at least thirty feet (30') from any residence that is not served by the outdoor furnace. All new outdoor furnaces must comply with the EPA's Certified Hydronic Heaters, New Source Performance Standards for New Residential Wood Heaters, effective May 15, 2015.

## **18.15 SOLAR ENERGY SYSTEMS**

The standards of this section apply to all solar panel energy conversion systems that are accessory to a principal structure or are considered to be the principal structure.

- (A) **Roof mounted solar panels.** Such panels shall not extend beyond the existing roof (width and height) of the structure to which they are attached. The panels shall be parallel to the roof slope and project no more than twelve inches (12") from the roof surface. Roof mounted panels are permitted outright in residential districts.
- (B) **Ground-mounted solar panels.** These are stand-alone solar panels affixed to the ground. Such panels must be located in the side or rear yards only and meet the accessory setback requirements for the zoning district that they are in. The panels must not be located on platted property easements. Ground-mounted panels shall not exceed twelve feet (12') in height and must be suitably screened from adjacent properties to avoid unreasonable glare projected onto neighboring properties. Ground-mounted solar panels are conditionally permitted. Exemptions include solar panels less than two square feet (2 sq. ft.) in area and those installed within the right-of-way by a utility company, the Ohio Department of Transportation (ODOT), or other similar entity with prior approval from the Township Zoning Inspector.

Solar facilities of fifty (50) megawatts or more shall be required to submit an application with the Ohio Power Siting Board (OPSB) at the Public Utilities Commission of Ohio (PUCO) and are required to meet OPSB regulations. No Solar Energy System or facility of greater than fifty (50) kilowatts and less than fifty (50) megawatts shall be permitted within any district of the township.

General requirements and requirements in addition to other provisions set forth in this Resolution for solar panel systems are as follows:

- (A) Solar energy systems shall comply with all applicable federal, state, and local laws, rules, and regulations.
- (B) Solar Energy Systems and parts thereof shall obtain all applicable required building permits from the State of Ohio and County or other local building jurisdictions.
- (C) Solar Energy Systems and the property where they are located shall not be used for the display of advertising. For the purposes of this section, reasonable and customary identification (name, insignia, logo, and/or similar) of the manufacturer or operator of the system that is incorporated into or manufactured on the equipment itself shall not be considered advertising.
- (D) In addition to the requirements set forth herein, solar energy systems must comply with the setback requirements applicable to the zoning district where they are located.

- (E) Solar energy systems located on corner lots shall comply with the applicable requirements including, but not limited to, those for yards, buffering, and screening for lots in the zoning district where they are located.
- (F) Small Solar energy system installations may be conditionally permitted when limited to a rated capacity of not more than 50 kW for residences in the A-1 and R-1 districts. Additionally, small solar energy systems may be conditionally permitted in the C-1 district for buildings on parcels of five (5) acres or less.
- (G) Ground-mounted small solar energy systems may be conditionally permitted in the A-1 and C-1 districts on parcels with a minimum of ten feet (10') from the property line or road right-of-way, where applicable; and shall have a maximum height of fifteen feet (15'). Otherwise, in the A-1 and C-1 districts Small Solar Energy Systems must be roof mounted.
- (H) A small solar energy system shall service only one residential structure per parcel. An additional non-residential structure on the same parcel may be permitted but shall require an additional permit.
- (I) Solar Energy Systems, including all mounting hardware, shall comply with all applicable state construction and electrical codes, and the National Electrical Code.
- (J) The owner of a solar energy system must take reasonable steps to prevent and eliminate, during both installation and operation, any interference with the transmission and reception of electromagnetic communications, such as microwave, radio, telephone, or television signals.
- (K) A ground-mounted solar energy system must be on a freestanding structure or other approved reinforced structure. The use of additional supports, including guy wires, is subject to all other regulations provided within this Resolution. All ground-mounted solar energy systems shall be in the side or rear yards only and must adhere to accessory use setbacks in addition to the requirements set forth in this section.
- (L) For ground-mounted solar energy systems, a minimum distance between the ground and any part of a solar panel shall be no less than 24 inches (24") as measured at the lowest point of the solar panel to a point no lower than the average grade in and around the immediate solar panel area.
- (M) A ground-mounted solar energy system shall maintain a clear fall zone of no less than one hundred ten percent (110%) of total height of the structure from any property line and public or private road right-of-way.
- (N) Subject to the clear fall zone requirements above, no part of a ground mounted solar energy system, including guy wire anchors, if applicable, shall be closer than ten feet (10') to the property boundaries of subject parcel.
- (O) All solar energy system installations on residential or non-residential parcels may combine ground and rooftop installations so long as the following requirements are met.

1. There must be a minimum of ten feet (10') from any property line and public or private road right-of-way.
  2. Must maintain a clear fall zone of 110%.
- (P) All roof-mounted solar energy systems shall not extend above the peak of the roof upon which they are attached, shall be flush mounted, and no more than twelve inches (12") above the plane of the roof, or five feet (5') above a flat roof.
- (Q) Small solar energy systems shall not be artificially lit unless such lighting is required by the Federal Aviation Administration (FAA) or any government agency. If lighting is required, the applicant shall provide a copy of the appropriate government agency determination to establish the required markings and/or lights for structure.
- (R) All solar energy system support bases shall follow the guidelines set forth by the manufacturer. Any other proposed construction method shall meet all federal or state requirements for solar panel base construction.
- (S) Solar energy systems must be maintained in good working order at all times. The owner of the property and owner of the solar systems shall, within thirty (30) days of permanently ceasing operation, provide written notice of abandonment to the Zoning Inspector. An unused solar energy system may stand no longer than three (3) months following abandonment. All costs associated with the dismantling/demolition of the solar energy system and associated equipment shall be borne by the property owner. A solar energy system is considered abandoned when it ceases transmission of electricity for thirty (30) consecutive days. Removal includes the removal of all apparatuses, supports, and/or other hardware associated with the existing solar energy system and, in the case of ground-mounted solar energy systems, installed, returning the property to a graded, seeded, and/or landscaped state similar to its condition prior to the construction and installation.
- (T) Solar energy systems 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 abandoned by the Township and shall be removed by the owner.
- (U) The components of a solar energy system 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.
- (V) Prior to the installation of a solar energy system, a conditional use permit and zoning permit must be obtained. The applicant shall provide detailed electrical and site drawings along with manufacturer information stating the size, shape, and character of the proposed solar energy system. Information shall include generation kilowatt information, unit decibel criteria, height and construction specifications, light reflection potential, fencing information, clear fall zone, lighting plans, and landscaping/buffering plans, battery bank placement with ventilation specifications and labeled means of disconnect, plus any other information deemed necessary by the township.
- (W) Landscaping shall be designed to counter the effects of light reflection on any neighboring residences or roadways. The facility owner and operator shall make

every reasonable effort to minimize light reflection to any occupied building on a nonparticipating landowner's property.

(X) Criteria for conditional uses:

1. A solar energy system to be located in a zoning district in which it is identified as a conditional use is subject to and shall follow the application process for a Conditional Use Permit provided under this Resolution.
2. Where identified as a conditionally permitted use, any Solar Energy System shall comply with the following specific requirements:
  - a) The property owner shall provide for the adequate maintenance and protection of County/Township maintained, protected, or managed infrastructure (including, but not limited to roadways, rights-of-way, and easements) to be used in connection with the solar energy system. Any damaged public roads, culverts, drainage tiles, and bridges shall be repaired promptly to their previous or a better condition by the property owner or their designee under the guidance of the appropriate regulatory authority.
  - b) Buffers and Setbacks:
    - i. Where a solar energy system is located on property adjacent to or in close proximity to property zoned for residential use (as determined by the Zoning Inspector), no part of the Solar Energy System (other than components located entirely underground) shall be located within ten feet (10') of an existing residential dwelling.
    - ii. No solar energy system (other than components located entirely underground) shall be located within ten feet (10') of another property line.
    - iii. No solar facility (other than components located entirely underground) shall be located within fifty feet (50') of a public right-of-way or shared-use driveway and not in the front yard.
  - c) Solar panels shall be placed or arranged in a manner so as not to reflect unreasonable glare onto adjacent buildings, properties, or roadways.
  - d) Any fencing and/or screening installed in connection with the solar energy system shall be harmonious and compatible with the surrounding properties and uses. Fencing shall be maintained in good repair and in an aesthetic manner at all times.
  - e) Any conditions or other requirements as determined by the Board of Zoning Appeals may be required in connection with the issuance of a Conditional Use Permit.

## **18.16 PONDS**

The purpose of these regulations is to guide the development, design, maintenance and structural integrity of ponds and/or other similar water retention structures; to promote the public's health, safety and welfare by minimizing local nuisances, as well as potentially dangerous health and safety concerns; and to further the general harmony between and amongst neighbors. The regulations herein set forth shall apply

to and govern ponds in all districts. All water impoundments such as ponds shall be constructed and developed in compliance with the following standards.

- (A) No applicable structure shall hereafter be located, constructed, repaired, extended, enlarged, converted, or altered without full compliance with the terms of this Resolution.
- (B) **Detention Pond.** An artificially formed structure designed to hold stormwater runoff, detaining it for a period of time before ultimately slowly discharging the water downstream. Detention ponds are designed to complement large-scale residential, commercial, and industrial developments. Detention ponds must be designed and constructed to the specifications of a licensed professional engineer and the engineering plans must be reviewed and approved by the respective authorized state and Auglaize County agencies. No permit required.
- (C) **Retention Pond.** An artificially formed structure designed to hold water year round with the capacity to accommodate a limited amount of stormwater runoff. Retention ponds are reservoirs of natural water designed to enhance aesthetic elements of large scale residential, commercial, and industrial developments. Retention ponds must be designed and constructed to the specifications of a licensed professional engineer and the engineering plans must be reviewed and approved by the respective authorized state and Auglaize County agencies. No permit required.
- (D) **Agricultural Pond.** A natural or artificially formed structure that serves as a reservoir of water for year round agricultural use. Agricultural ponds are to be used for agricultural based activities per Ohio Revised Code (ORC) 303.01. Agricultural ponds may also support fire suppression due to the lack of access to municipal water services. The use of such ponds are limited and restricted to those activities supported by the owners. Agricultural ponds shall not engage in off-farm commercial uses or in any commercial recreational activities such as, but not limited to, fishing or swimming. Zoning permit subject to agricultural exemption in accordance with ORC 303.21.
- (E) **Recreational pond.** A new artificially formed structure over seven hundred fifty square feet (750 sq. ft.) that is intended to serve as a permanent reservoir of water serving aesthetic purposes and/or as an activity center for year round use. Such ponds are designed for wildlife habitats or for swimming, fishing, and ice skating. Recreational ponds must be designed and constructed to the specifications of an Ohio-licensed professional engineer. The engineering plans must conform with the 2015 Ohio Pond Management Handbook: A Guide to Managing Ponds for Fishing and Attracting Wildlife. Zoning permit required.
  - 1. Recreational ponds shall not be located closer than 25 feet (25') from any lot lines or easements and, where applicable, they shall not be located closer than 75 feet (75') from any road right-of-way. In addition, they shall meet the current State of Ohio and/or Auglaize County Health Department well and/or septic system setbacks. They shall not restrict or block existing or future surface and/or sub-surface drainage systems.
  - 2. Large ponds of a sufficient size, determined by the Ohio Dam Safety Law, may be subject to review, approval and annual inspection by the Ohio Department of Natural Resources (ODNR), Division of water.

3. The property owner and/or applicant will be required to submit to the Zoning Inspector a copy of the proposed construction plan, which has been approved by the authorized agency, and other necessary documentation for the purpose of obtaining a zoning permit.
4. Setbacks shall be measured from the high-water line or toe of dam, whichever is closer.

(F) Permitting process:

1. Applicant will submit plans to the Zoning Inspector with affidavits that the pond was designed by a professional engineer, licensed in Ohio, and that the pond specifications meet the Standards of the 2015 Ohio Pond Management Handbook by ODNR – Division of Wildlife. Further, the pond specifications must have been satisfactorily reviewed by the Auglaize County Engineer to ensure that no drain tiles will be negatively impacted by the pond.

## **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, which is 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 feet (10') in width and nineteen feet (19') in length for ninety (90) degree parking, ten feet (10') in width and twenty-three feet (23') in length for parallel parking, ten feet (10') in width and nineteen feet (19') in length for sixty (60) degree parking, and twelve feet (12') in width and nineteen feet (19') 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 five thousand square feet (5,000 sq. ft.) 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 that 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 feet (4') nor more than six feet (6') 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 feet (10') 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                                                                                                                               |
|-------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Residential</b>                                                                              |                                                                                                                                                               |
| 1. Single-family or two-family dwelling                                                         | Two for each unit                                                                                                                                             |
| 2. Apartments, or multi-family dwellings                                                        | Two for each unit                                                                                                                                             |
| 3. Boarding houses, rooming houses, dormitories, and fraternity houses that have sleeping rooms | One for each sleeping room or two for each permanent occupant                                                                                                 |
| <b>Commercial</b>                                                                               |                                                                                                                                                               |
| 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 uses                                           | One for each 100 square feet of floor area in parlor                                                                                                          |
| <b>Business, Recreational, or Entertainment</b>                                                 |                                                                                                                                                               |
| 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 clubs                                        | One for each five person's capacity plus one for each four seats or one for each 30 square feet of floor area used for seating purposes, whichever is greater |
| 5. Auditoriums, sport arenas, theaters, similar uses                                            | One for each four seats                                                                                                                                       |
| 6. Retail stores                                                                                | One for each 250 square feet of floor area                                                                                                                    |
| 7. Banks, financial institutions, and similar uses                                              | One for each 200 square feet of floor area                                                                                                                    |
| 8. Offices, public or professional administration, or service buildings                         | One for each 400 square feet of floor area                                                                                                                    |
| 9. All other types of businesses or commercial uses permitted in any business district          | One for each 300 square feet of floor area                                                                                                                    |
| <b>Institutional</b>                                                                            |                                                                                                                                                               |
| 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                                                                                                                    |

| <b>Schools (Public, Parochial, or Private)</b>                                    |                                                                                                                                           |
|-----------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| 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 uses           | Two for each classroom, but less than six for the building                                                                                |
| <b>Manufacturing</b>                                                              |                                                                                                                                           |
| 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 uses 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, uses of land, structures, and uses of structures and land in combination that 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 uses 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 that diminishes compliance with lot width and area requirements established by this Resolution, nor shall any division of any parcel be made that 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 exists, 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:

- (A) 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.
- (B) 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.
- (C) 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.

- (D) 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:

- (A) No such non-conforming structure may be enlarged or altered in a way that increases its non-conformity. However, any structure or portion thereof may be altered to decrease its non-conformity. For example, a building that has an existing side yard setback of 10 feet (10') and is located in a zoning district that requires a 20 foot (20') side yard setback, may not be enlarged upon so that the existing 10 foot (10') side yard setback is further reduced to below 10 feet (10') or lengthened along that side yard.
- (B) 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.
- (C) Should such structure be moved for any reason for any distance, 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:

- (D) 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.
- (E) Any nonconforming use may be extended throughout any parts of a building that 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.
- (F) 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 a change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other provisions of this Resolution.

- (G) 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.
- (H) 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.
- (I) 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 percent (50%) 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 percent (50%) 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:

- (A) 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.
- (B) 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 Ohio Revised Code (ORC) 519.161, the Zoning Inspector shall provide a bond conditioned upon the faithful performance of his or her official duties.

### **21.02 ZONING INSPECTOR'S 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 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 conforms to the requirements of this Resolution.

#### **21.06 CONDITIONAL USE PERMIT**

As described in Section 10.04 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 3.15, 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 a 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 and 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 (ORC) 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 Resolution 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 (ORC). 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:

(A) Initiate proposed amendments to this Resolution.

- (B) Consider and review all proposed amendments to this Resolution and make recommendations to the Board of Township Trustees.
- (C) 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 Ohio Revised Code (ORC). Vacancies shall be filled by the Township Trustees for the unexpired term. 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 (ORC). 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 this Resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the Resolution will result in unnecessary hardship, 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 hearing before

the Board of Zoning Appeals, within thirty (30) days of the mailing of the notice, if he or she 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 this 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) that 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 costs 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 that 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 Chapter 21 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 this Resolution will result in unnecessary hardship.
- (C) That the spirit of this Resolutions 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/FEEES 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 (ORC).



## CHAPTER 25 - DEFINITIONS

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

**“ACCESSORY USE”** is a use customarily incidental and subordinate to the principal 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, or other periodicals, or printed material; photographs, films, motion pictures, videocassettes, slides, computer media, or other visual representations that 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 that 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 that 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 that are characterized by the exposure of “specified sexual activities” or “specified anatomical areas.”
- (C) Films, motion pictures, video cassettes, slides, or other photographic reproductions that 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, massage establishments, finger-painting studios, adult motels, adult motion picture theaters, or any other similar personal service or entertainment facilities that emphasize nudity and/or sexual activities as an entertainment medium.

**“ADULT MOTEL”** means a motel, hotel, or similar commercial establishment that:

- (A) Offers public accommodation for any form of consideration that provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that 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 off-premises advertising including but not limited to, newspapers, magazines, pamphlets, or leaflets, radios, or televisions.
- (B) Offers a sleeping room for rent for a period of less than ten hours.
- (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 (50) 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 (50) 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 Ohio Revised Code (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 that are 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 or, 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 that are carried out on a particular lot.

**“FENCE, TEMPORARY”** a fence designed to enclose a construction site or other temporary use and is in place for six (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.

**"GREENHOUSE"** a building or structure constructed chiefly of glass, glasslike or translucent material, cloth or lathe, devoted to the protection or cultivation of plants, shrubbery, trees and/or flowers usually for commercial purposes.

**"GROUND-MOUNTED SOLAR ENERGY SYSTEMS"** a solar energy system that mounts a solar panel or panels and facilities on or above the ground.

**"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), 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 within a dwelling and carried out 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.

**"HOOP HOUSE"** a type of greenhouse structure or season extender characterized by a half round "hoop" shape typically constructed of lengths of PVC pipe that are flexible and sturdy. Hoop houses may be permanent growing structures with heating and venting systems, while others may be temporary, intended only to protect plants during cool nights. Many garden centers use hoop houses in this manner. Hoop houses are easy to assemble, durable and come in many sizes.

**"INDUSTRIALIZED UNIT"** means a building unit or assembly of closed construction fabricated in an off-site facility, which 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, engine, transmission, or any substantial part thereof has been removed.

**“INTEGRATED SOLAR ENERGY SYSTEMS”** a solar energy system that is incorporated into or replaces standard building materials and does not have mounting equipment. For example, these systems may include materials that replace traditional roofing, shingle, or siding materials, awnings, canopies, skylights, or windows.

**“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 that 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 (3) 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 (\$200) or less.

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

**“KILOWATT (kW)”** a measurement of electricity, equal to one thousand (1,000) watts.

**“HISTORICAL MOTOR VEHICLE”** is any motor vehicle of the age of twenty-five (25) years or more, as defined pursuant to Ohio Revised Code (ORC) 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 as 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 (1) or more buildings and accessory buildings, or uses 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 (2) 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 that 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 that 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 (22') at one point, a length of at least twenty-two feet (22') at one point, and a total living area, excluding garages, porches, or attachments, of at least nine hundred (900) square feet. The structure also has a minimum 3:12 residential roof pitch, conventional residential siding, and a six-inch (6") 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 that 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 considered a manufactured home park even though three (3) 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 the 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 (35) body feet in length or, when erected on site, is three

hundred twenty (320) 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 Ohio Revised Code (ORC) or as an industrialized unit as defined in division (C)(3) of section 3781.06 of the Ohio Revised Code (ORC).

**“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, and similar structures that 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 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, the 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 that 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,” “OUTDOOR WOOD BOILERS,” OR “OUTDOOR WOOD-FIRED HYDRONIC HEATERS (OWHH)”** are a free standing structure located outdoors, typically some distance from a building or buildings it is intended to heat. Outdoor furnaces 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.

**“POND”** is a natural or man-made body of water used for stormwater detention or retention, for agricultural uses, and/or for recreational purposes.

**“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 one hundred (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 Ohio Revised Code (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:

- (A) "Travel Trailer" is a nonself-propelled recreational vehicle not exceeding an overall length of thirty-five feet (35'), 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 Ohio Revised Code (ORC).
- (B) "Motor Home" is a self-propelled recreational vehicle constructed with permanently installed facilities for cold storage, cooking, and consuming of food, and for sleeping.
- (C) "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 campers do 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 eighty percent (80%) of the gross sales receipts.

**"ROOFTOP SOLAR ENERGY SYSTEMS"** a solar energy system that is mounted to a structure or building's roof on racks.

**"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-ORIENTED BUSINESS"** 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, or 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.

**“SIGN”** is any visual communication display, object, device, graphic, structure, or part, situated indoors or outdoors, or attached to, painted on, or displayed from a building or structure, in order to direct or attract attention to, or to announce or promote, an object, person, service, project, event, location, organization or the like, by means of letters, words, design, colors, symbols, fixtures, images, or illustrations. Such signs may be displayed in the following manner:

- (A) **On-premises sign.** Any sign on a site that is related to a business or profession that provides a commodity or service on the same site.
- (B) **Off-premises signs.** Any sign upon the premises that displays information not directly related to the land-use of the site.
- (C) **Temporary/portable sign.** Any sign, temporary in nature, not affixed in a permanent manner to a structure, foundation, or the ground and which is designed to be easily transported from one location to another.
- (D) **Permanent sign.** Any sign, permanent in nature, built of durable material with suitable structural support that may be affixed to a structure, foundation (ground mounted), stationary pole, or other sign structure.
- (E) **Free-standing sign.** A sign erected on a free-standing frame, mast, or pole and not attached to any building.
- (F) **LED illuminated sign.** Any sign illuminated with light emitting diodes (LED). LEDs are semiconductor devices that emit light when an electric current passes through them. Such LED lighting is used for electronic message centers.
- (G) **Electronic Message Centers (EMC).** EMCs are signs capable of displaying words, symbols, figures, or images that can be electronically or mechanically changed by remote or automatic means, usually using LED lighting.
- (H) **Roof sign.** Any sign erected upon, against, or directly above a roof or on top of or above the parapet of a building.
- (I) **Wall sign.** Any sign attached to or erected against a wall of a building, with the face parallel to the building wall and extending not more than one foot therefrom.
- (J) **Raceway or Cabinet Sign.** Wall mounted signs using a bracket plate or platform to secure the sign to the building and to supply electricity.

**“SMALL WIND TURBINES AND OTHER WIND-POWERED GENERATORS”** are electrical generating devices that 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.

**"SMALL SOLAR ENERGY SYSTEM"** a solar energy system and associated facilities with a single interconnection and designed for, or capable of, operation at an aggregate capacity of less than fifty (50) kilowatts.

**"SOLAR ENERGY"** radiant energy (direct, diffused, or reflected) received from the sun that can be collected and converted into thermal or electrical energy.

**"SOLAR ENERGY SYSTEM"** a system and associated facilities that collect solar energy, which may include, but is not limited to, an integrated solar energy system, rooftop solar energy system, or ground-mounted solar energy system.

**"SOLAR PANEL"** A photovoltaic panel or collector device, including any accessory equipment and mounting structures or hardware, which relies upon solar radiation as an energy source for the generation of electricity or heating.

**"SOLAR PANELS/SOLAR ENERGY CONVERSION SYSTEMS"** are systems that convert solar energy into electric power for on-site use using either roof mounted panels that are parallel to the roofline or stand-alone systems affixed to the ground.

**"SPECIFIED ANATOMICAL AREA"** means less than completely and opaquely covered human genitals, pubic region, buttocks, or the areola or nipple of the female breast, and/or 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 that requires location on the ground, including signs and billboards, but not including fences or walls used as fences.

**"TOWER"** includes vertical structures that support electrical generators, 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.

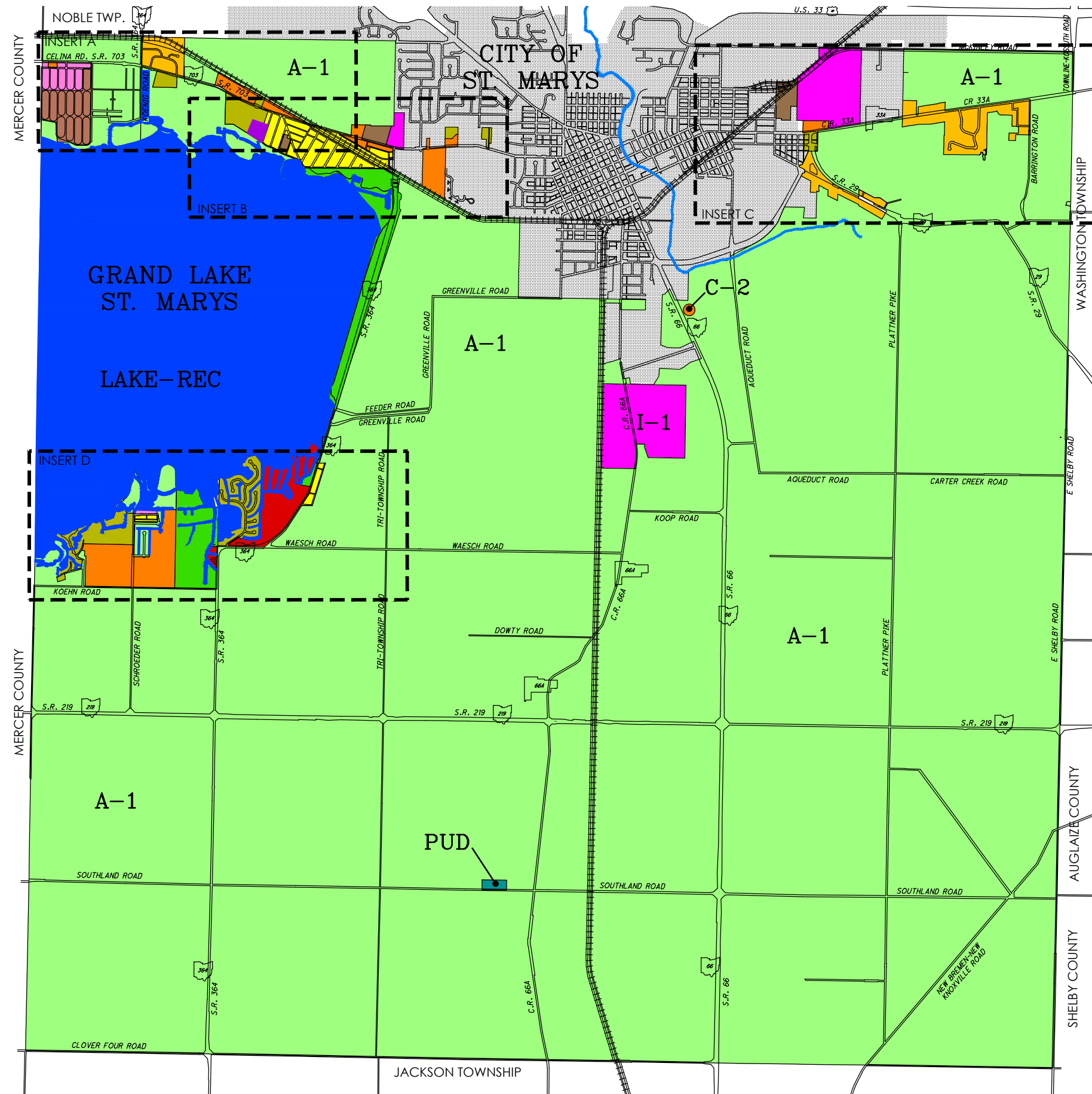
**“YARD DEPTH, SIDE”** is the open, unoccupied space on the same lot with any principal structure between the side lines of the building and the side lot line of the lot.



## APPENDIX

# St. Marys Township

Auglaize County, Ohio



# Zoning District Map

## LEGEND

- |                                                                                     |      |                                  |
|-------------------------------------------------------------------------------------|------|----------------------------------|
|  | 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                     |
|                                                                                     |      | LAKE-RECREATIONAL                |

prepared by



**ChoiceOne**  
Engineering

SIDNEY, OHIO 937.497.0200 | LOVELAND, OHIO 513.239.8554

[illegible]

# St. Marys Township

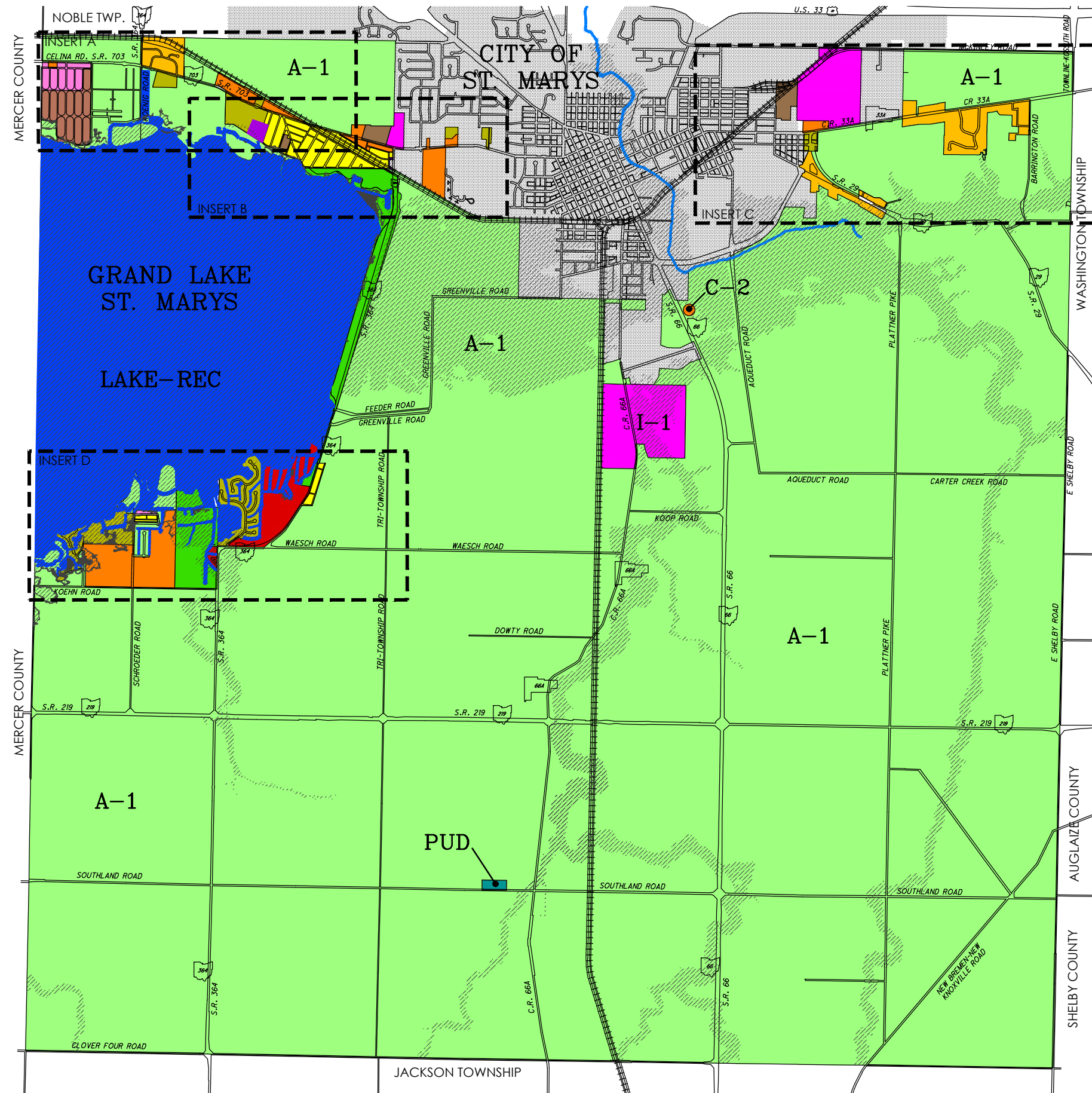
Auglaize County, Ohio

THE BOUNDARIES OF THE FLOODPLAIN OVERLAY 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 SHALL 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.

prepared by

**ChoiceOne**  
Engineering

SIDNEY, OHIO 937.497.0200 | LOVELAND, OHIO 513.239.8554

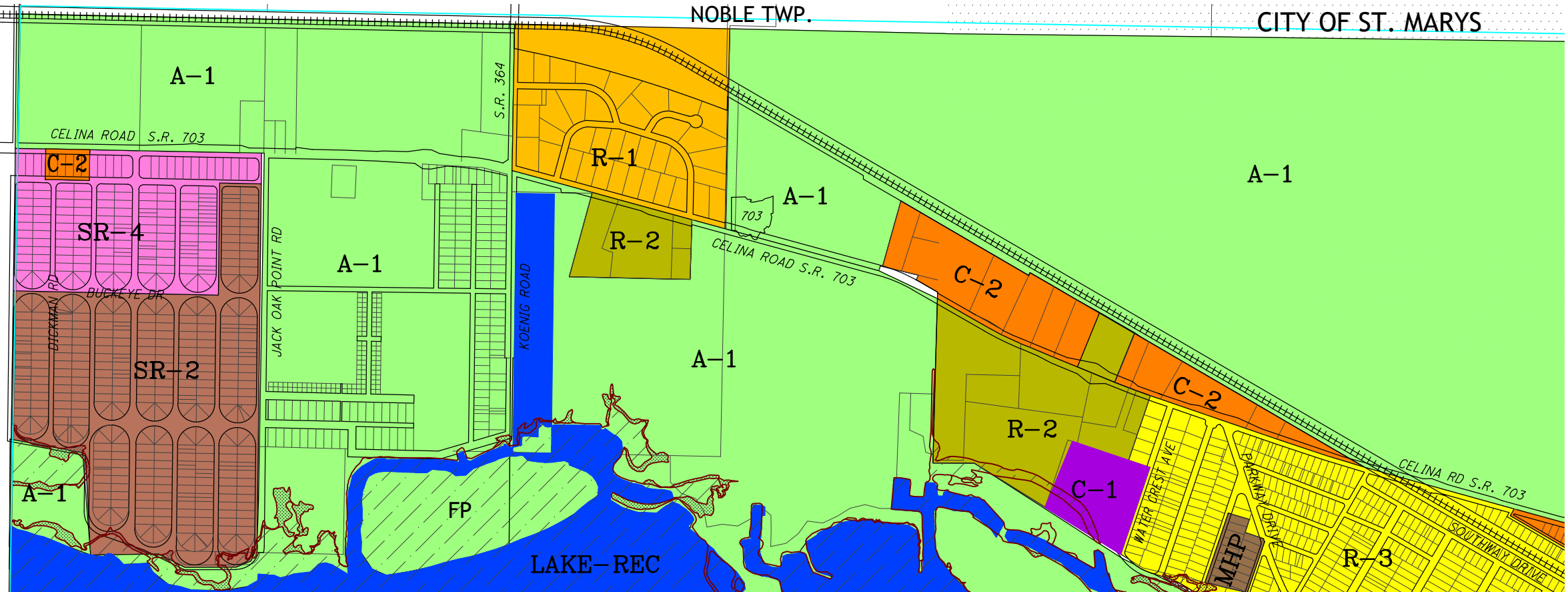


# Zoning District Map

## LEGEND

- |                                                                                     |      |                                  |
|-------------------------------------------------------------------------------------|------|----------------------------------|
|  | 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                     |
|                                                                                     |      | LAKE-RECREATIONAL                |
|                                                                                     |      | FEMA FLOODPLAIN, ZONE A          |
|                                                                                     |      | FEMA FLOODPLAIN, ZONE X          |

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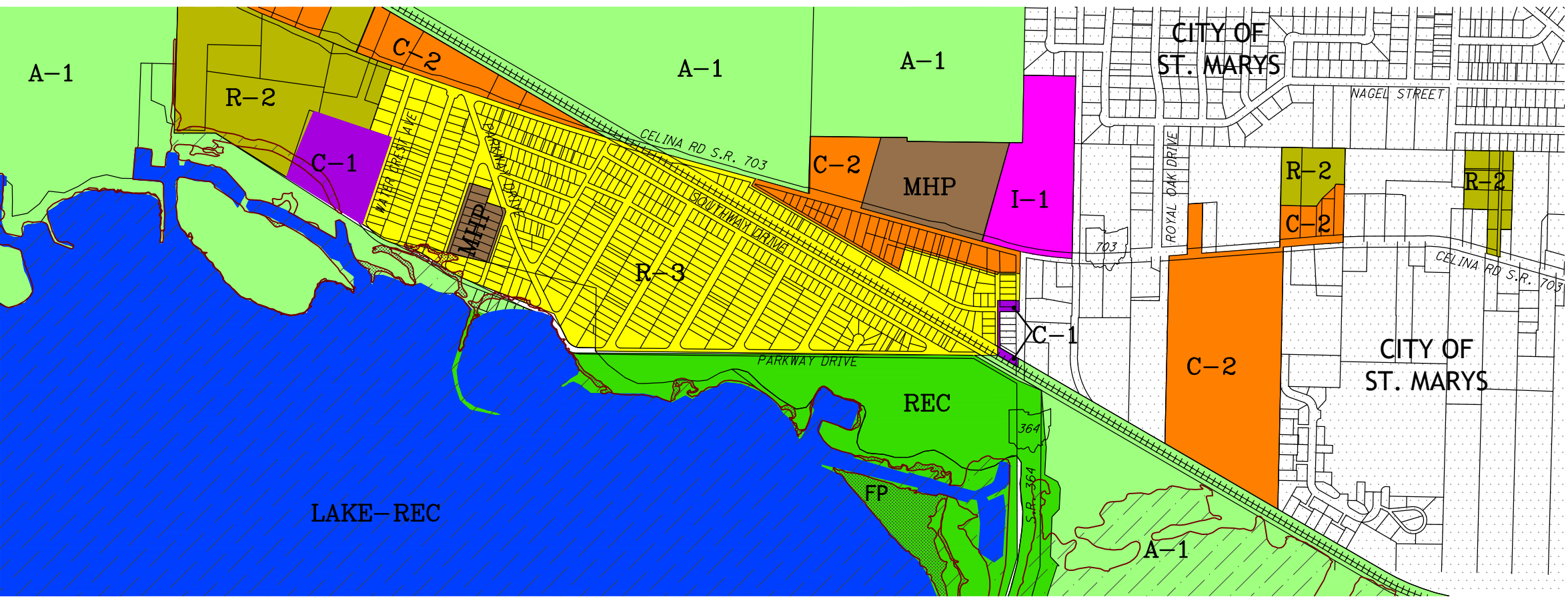
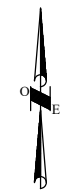
INSERT A

# LEGEND

- 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

FP LAKE-RECREATIONAL  
FEMA FLOODPLAIN, ZONE A  
FEMA FLOODPLAIN, ZONE X

THE BOUNDARIES OF THE FLOODPLAIN OVERLAY REFLECT THE MOST CURRENT AVAILABLE MAPS PRODUCED BY THE NATIONAL FLOOD INSURANCE PROGRAM (EFFECTIVE 12/11/25). 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 SHALL 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.



INSERT B

| REVISIONS           |         |
|---------------------|---------|
| DESCRIPTION         | INITIAL |
| FEMA UPDATE 05/2026 | JFM     |
|                     |         |
|                     |         |
|                     |         |
|                     |         |
|                     |         |
|                     |         |

prepared by **ChoiceOne** Engineering

## LEGEND

- 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
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- C-1 NEIGHBORHOOD COMMERCIAL
- C-2 GENERAL COMMERCIAL
- I-1 GENERAL INDUSTRIAL
- PUD PLANNED UNIT DEVELOPMENT
- REC RECREATIONAL

FP  FEMA FLOODPLAIN, ZONE A  
 FP  FEMA FLOODPLAIN, ZONE X

THE BOUNDARIES OF THE FLOODPLAIN OVERLAY REFLECT THE MOST CURRENT AVAILABLE MAPS PRODUCED BY THE NATIONAL FLOOD INSURANCE PROGRAM (EFFECTIVE 12/11/25). 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 SHALL 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.

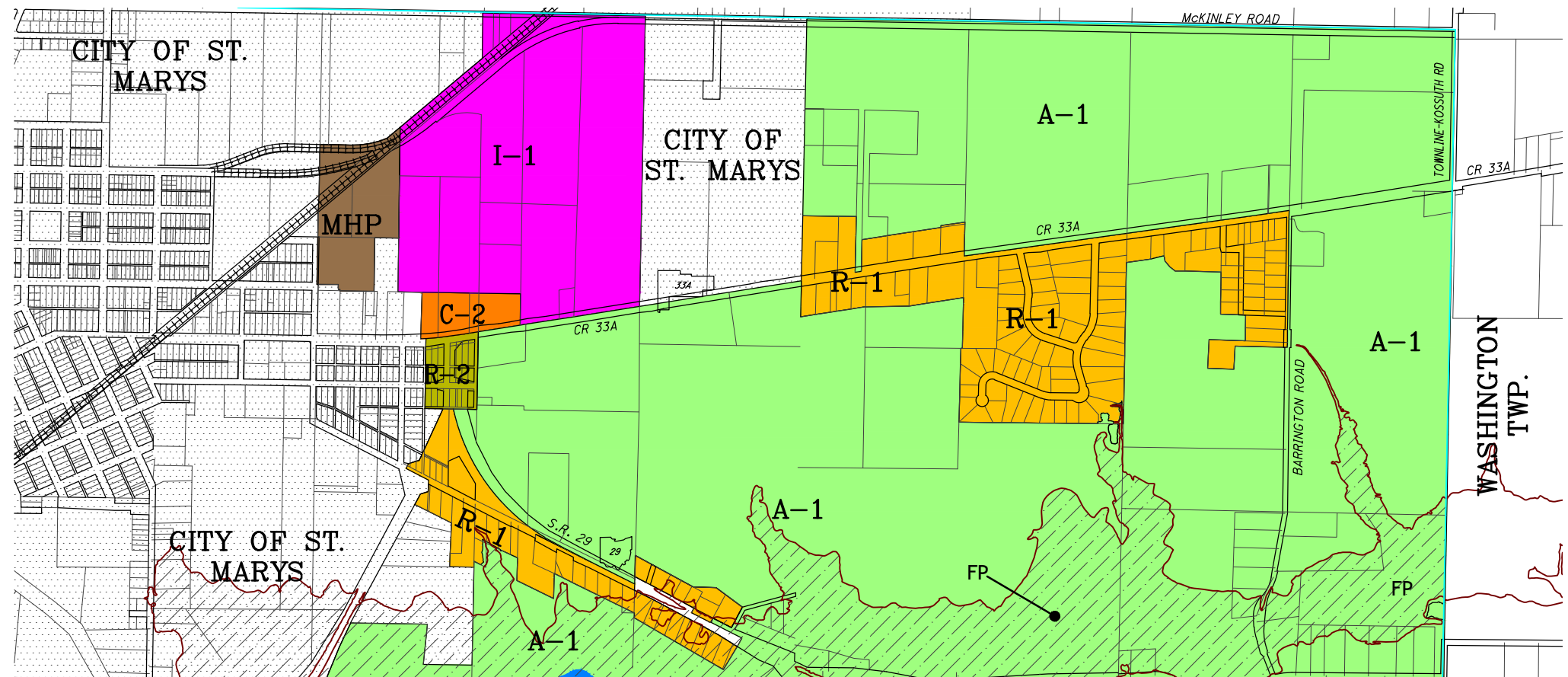
| REVISIONS           |         |
|---------------------|---------|
| DESCRIPTION         | INITIAL |
| FEMA UPDATE 05/2026 | JFM     |
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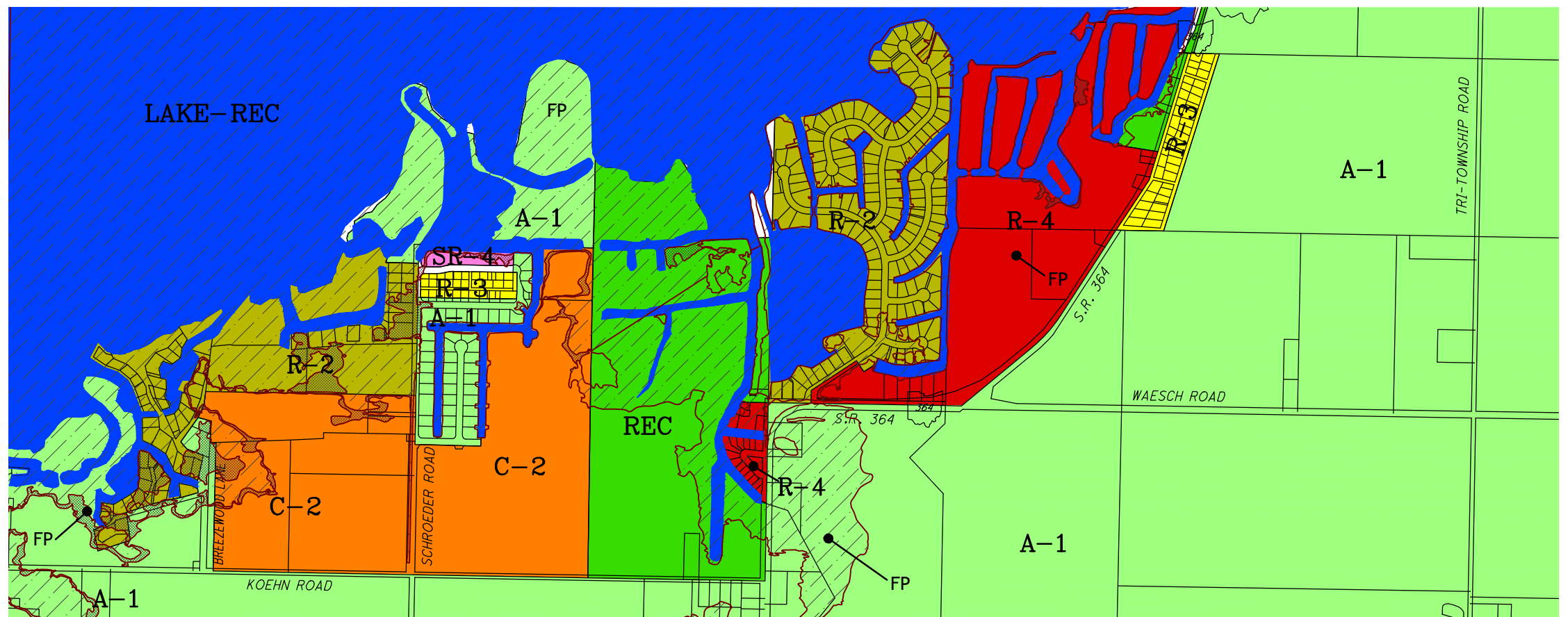


SIDNEY, OHIO 937.497.0200 | LOVELAND, OHIO 513.239.8554

INSERT C



INSERT D



## RESOLUTION

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

WHEREAS the Zoning Commission of St. Marys Township has recommended the approval of amendments to the St. Marys Township Zoning Resolution; proposing amendments which would amend/revise the Zoning Resolution by re-districting the property located at 11808 State Route 364, St. Marys Township, Auglaize County, OH, currently owned by Michael Aquaro, from its present classification of Agricultural District (A-1) to the Neighborhood Commercial District (C-1); and

WHEREAS, the St. Marys Township Trustees set July 14, 2026 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 3, 2026; and

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

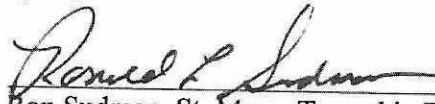
WHEREAS, said recommendations were accepted by the Board of Township Trustees, by a unanimous majority vote of all members present;

THEREFORE BE IT RESOLVED that said amendments, a copy of which are attached hereto and marked as Exhibit "A," be, and hereby are, adopted and that said amendments shall become effective 30 days after the date of this Resolution.

BE IT FURTHER RESOLVED that the St. Marys Township Fiscal Officer 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 a duly called meeting of the St. Marys Township Board of Trustees held on July 14, 2026.

  
Ron Sudman, St. Marys Township Fiscal Officer

# Exhibit A

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

### **PROPOSED CHANGE OF CLASSIFICATION**

To redistrict/rezone the real estate described in the attached Exhibit "A" from its present classification of Agricultural District (A-1) to the Neighborhood Commercial District (C-1); being located and known generally as 11808 State Route 364, St. Marys Township, Auglaize County, Ohio, and identified as Permanent Parcel #K3101701000. Said property is currently owned by the Michael and Loretta Aquaro. Applicant for said amendment is Michael Aquaro, 115 South Main Street, St. Marys, OH 45885.

EXHIBIT A

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

**Parcel 1 (1.251 acres)**

Being a parcel of land situated in St. Marys Township, Auglaize County, Ohio, in the Northeast Quarter of Section 17, Township 6 South, Range 4 East. Being more particularly described as follows:

Commencing for reference at an 8" steel post filled with concrete at the Northeast corner of said Section 17-

Thence, North 89°59'14" West, along the North line of said Section 17, a distance of One Thousand Four Hundred Forty-five and 41/100 (1445.41) feet to a mine spike in the centerline of State Route 364-

Thence, South 16°58'43" West, along said centerline of State Route 364, a distance of Two Hundred Twenty-seven and 21/100 (227.21) feet to a railroad spike-

Thence, continuing, along the centerline of said State Route 364, South 15°34'08" West, a distance of Six hundred Forty-two and 53/100 (642.53) feet to a railroad spike-

Thence, continuing along said centerline of said State Route 364, South 19°45'31" West, a distance of One Hundred Forty-six and 22/100 (146.22) feet to a "P.K." nail-

Thence, South 72°03'09" East, a distance of Forty-five and 95/100 (45.95) feet to a point-

Thence, South 17°00'30" West, a distance of Fourteen and 59/100 (14.59) feet to a 5/8 inch iron bar. Said point being the PLACE OF BEGINNING for the herein described parcel-

Thence, South 72°33'06" East, 75.89 feet to a point-

Thence South 83°59'22" West, 8.52 feet to a 5/8 inch iron bar-

Thence, southeasterly, along a line approximately Two (2.00) feet inland (South of) the edge of the water of a canal feeder, the following courses and distances:

South 72°08'50" East, 198.92 feet to a point-

South 76°42'14" East, 49.38 feet to a point-

South 63°09'38" East, 40.36 feet to a point-

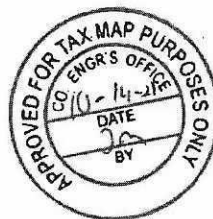
South 73°51'53" East, 67.17 feet to a point-

South 52°33'58" East, 23.15 feet to a point-

South 30°44'48" East, 12.29 feet to a point-

South 07°23'18" East, 3.39 feet to a point-

South 33°52'16" West, 3.92 feet to a point-



Thence, South 62°27'17" East, 2.01 feet to a point on the approximate water's edge of a channel-

Thence, Southwesterly, along the approximate water's edge of said channel the following courses and distances:

South 82°20'46" West, 5.41 feet to a point-

North 84°35'37" West, 12.38 feet to a point-

North 84°25'00" West, 32.00 feet to a point-

South 88°30'00" West, 95.00 feet to a point-

South 86°20'00" West, 71.50 feet to a point-

South 75°16'43" West, 48.40 feet to a point-

South 79°50'00" West, 31.50 feet to a point-

South 81°15'00" West, 52.50 feet to a point-

South 82°00'00" West, 99.50 feet to a point-

South 72°00'00" West, 16.50 feet to a point-

South 60°30'00" West, 14.50 feet to a point-

South 44°35'00" West, 3.00 feet to a point-

Thence leaving said edge of water, South 83°54'07" West, a distance of Thirty-one (31.00) feet to a 5/8 inch iron bar-

Thence, North 17°00'30" East, a distance of Two Hundred Forty-four and 15/100 (244.15) feet to the PLACE OF BEGINNING.

Containing 1.251 acres of land, more or less.

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

Reference is made to a survey of this area by Gordon Geeslin, Professional Surveyor 5372, dated August 5, 1991 and August 24, 1995 on file in the County Engineer's Office.

**Parcel 2 (0.186 acre)**

Being a parcel of land situated in St. Marys Township, Auglaize County, Ohio, in the Northeast Quarter of Section 17, Township 6 South, Range 4 East. Being more particularly described as follows:

Commencing for reference at an 8" steel post filled with concrete at the Northeast corner of said Section 17-

Thence, North 89°59'14" West along the North line of said Section 17, a distance of One Thousand Four Hundred Forty-five and 41/100 (1445.41) feet to a mine spike in the centerline of State Route 364-

Thence, South 16°58'43" West, along said centerline of State Route 364, a distance of Two Hundred Twenty-seven and 21/100 (227.21) feet to a railroad spike-

Thence, continuing, along the centerline of said State Route 364, South 15°34'08" West, a distance of Six hundred Forty-two and 53/100 (642.53) feet to a railroad spike-

Thence, continuing along said centerline of said State Route 364, South 19°45'31" West, a distance of One Hundred Forty-six and 22/100 (146.22) feet to a "P.K." nail-

Thence, South 72°03'09" East, a distance of Forty-five and 95/100 (45.95) feet to a point-

Thence, South 17°00'30" West, a distance of Fourteen and 59/100 (14.59) feet to a 5/8 inch iron bar-

Thence, North 83°54'07" East, a distance of Thirty-one (31.00) feet to a point on the approximate water's edge of a channel. Said point being the PLACE OF BEGINNING for the herein described parcel-

Thence Northeasterly, along the approximate water's edge of said channel, the following courses and distances:

North 44°35'00" East, 3.00 feet to a point-

North 60°30'00" East, 14.50 feet to a point-

North 72°00'00" East, 16.50 feet to a point-

North 82°00'00" East, 99.50 feet to a point-

North 81°15'00" East, 52.50 feet to a point-

North 79°50'00" East, 31.50 feet to a point-

North 75°16'43" East, 48.40 feet to a point-

North 86°20'00" East, 71.50 feet to a point-

North 88°30'00" East, 95.00 feet to a point-

South 84°25'00" East, 32.00 feet to a point-

South 84°35'37" East, 12.38 feet to a point-

South 82°20'46" East, 5.41 feet to a point-

Thence, leaving the water's edge, South 62°27'17" East, a distance of Twelve and 34/100 (12.34) feet to a point in said channel-

Thence, South 83°54'07" West, a distance of Four Hundred Eighty-eight and 21/100 (488.21) feet to the PLACE OF BEGINNING.

Containing 0.186 acre, more or less.

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

Reference is made to a survey of this area by Gordon Geeslin, Professional Surveyor 5372, dated August 5, 1991 and August 24, 1995 on file in the County Engineer's Office.

**Parcel 3 (.287 acre)**

Being a parcel of land situated in St. Marys Township, Auglaize County, Ohio, in the Northeast Quarter of Section 17, Township 6 South, Range 4 East. Being more particularly described as follows:

Commencing for reference at an 8" steel post filled with concrete at the Northeast corner of said Section 17-

Thence, North 89°59'14" West, along the North line of said Section 17, a distance of One Thousand Four Hundred Forty-five and 41/100 (1445.41) feet to a mine spike in the centerline of State Route 364-

Thence, South 16°58'43" West, along said centerline of State Route 364, a distance of Two Hundred Twenty-seven and 21/100 (227.21) feet to a railroad spike-

Thence, continuing, along the centerline of said State Route 364, South 15°34'08" West, a distance of Six hundred Forty-two and 53/100 (642.53) feet to a railroad spike-

Thence, continuing along said centerline of said State Route 364, South 19°45'31" West, a distance of Two Hundred Eighty-four and 48/100 (284.48) feet to a railroad spike-

Thence continuing along the centerline of said State Route 364, South 16°27'53" West, a distance of Three Hundred Fifty-five and 48/100 (355.48) feet to a P.K. Nail-

Thence, North 74°32'43" East, along the centerline of Greenville Road, a distance of Fifty-eight and 32/100 (58.32) feet to a point-

Thence North 17°00'30" East, a distance of Nine and 77/100 (9.77) feet to a 5/8 inch iron bar at the Southwest corner of a tract of land conveyed to Theodore Crusie by deed recorded in Official Record Volume 73, Page 160.

Thence, North 74°32'43" East, along said Crusie's South line, a distance of Five Hundred Fifty (550.00) feet to a 5/8 inch iron bar. Said point being the PLACE OF BEGINNING for the herein described parcel-

Thence continuing North 74°32'43" East, a distance of One Hundred Fifty and 00/100 (150.00) feet to a 5/8 inch iron bar-

Thence North 62°27'17" West, a distance of One Hundred Fifteen and 00/100 (115.00) feet to a point-

Thence South 83°54'07" West, a distance of One Hundred Fifty and 00/100 (150.00) feet to a point-

Thence South 54°03'57" East, a distance of One Hundred Thirty-one and 58/100 (131.58) feet to the PLACE OF BEGINNING.

Subject to all easements and rights-of-way of record. Reference is made to a survey of this area by Gordon L. Geeslin, dated August 5, 1991, on file in the County Engineer's Office.

202100006527

JEFF SQUIRE  
BOX