

GERMAN  
TOWNSHIP  
CLARK COUNTY, OHIO

*ZONING  
REGULATIONS*

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GERMAN TOWNSHIP ZONING REGULATIONS  
Effective January 31, 2012

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**CHAPTER 1**

**CHAPTER 2**

**CHAPTER 3**

## CHAPTER 1

### PURPOSE

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This Resolution is enacted for the purpose of promoting the public health, safety and morals; to conserve and protect property and property values; to secure the most appropriate use of land, to regulate the density of population and to facilitate adequate and economical provisions for public improvements, all in accordance with a comprehensive plan for the desirable future development of the Township; to provide a method of administration and to prescribe penalties for the violations of provisions hereinafter described -all as authorized by Chapter 303 of the Ohio Revised Code.

## CHAPTER 2

### PURPOSE

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This Resolution shall be known and may be cited and referred to as the German Township, Clark County, Ohio, Zoning Resolution.

## CHAPTER 3

### INTERPRETATION

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In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements. Where this Resolution imposes & greater restriction than is imposed or required by other provisions of law or by other rules, regulations, or resolutions, the provisions of this Resolution shall control.

# CHAPTER 4

CHAPTER 4  
DEFINITIONS

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- A. Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of the Resolution; words used in the present tense include the future; the singular number shall include the plural and the plural, the singular; the word "building" shall include the word "structure", and the word "used" shall include arranged, designed, constructed, altered, converted, rented, leased, and the word "shall" is mandatory and not directory.
1. Accessory Use or Structure. A use or structure subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building, or the land on which it is situated.
  2. Adult Bookstore. An establishment having as a substantial or significant portion of its stock in trade books, magazines, videos, or other periodicals which are distinguished or characterized by their emphasis on matter depicting or relating to specified sexual activities or specified anatomical areas as defined herein, or an establishment with a segment or section devoted to the sale or display of such material.
  3. Adult Entertainment Establishment. Any establishment involved in the sale or service of products characterized by the exposure or presentation of specified anatomical areas as defined herein, or physical contact of live males or females, and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products included within the scope of adult entertainment establishments are photography, dancing, reading, massage, and/or similar functions which utilize activities as specified above; and such establishments include specifically adult bookstores, adult motion picture theaters, and adult mini-motion picture theaters, as defined herein.
  4. Adult Mini-Motion Picture Theater. A facility 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 as defined herein, for observation by patrons therein.
  5. Adult: Motion Picture Theater. A facility 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 as defined herein, for observation by patrons therein.
  6. Agriculture. The use of the land for agricultural purposes, including farming, dairying, aquaculture pasturage agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary uses for packing, treating or any such uses shall be secondary to that of normal agricultural activities and provided further that the above use shall not include the commercial feeding of garbage or offal to swine or other animals.
  7. Alley. A public or private way not more than thirty (30) feet wide affording only secondary means of access to abutting property.

8. Basement. A story whose floor is more than twelve (12) inches, but not more than half of its story height below the average level of the adjoining ground. A basement, when used as a dwelling, shall be counted as a story for purposes of side yard determination.
9. Bed & Breakfast – a house or portion thereof where short-term lodging and meals are provided. The operator of the Bed & Breakfast shall live on the premises or adjacent thereto.
10. Beginning of Construction. The incorporation of labor and material associated with the foundation of the building or buildings.
11. Billboard or Signboard. Any structure or portion thereof, situated on private premises, on which lettered, figured or pictorial matter is displayed for advertising purposes, other than the name and occupation of the user of the premises or the nature of the business conducted thereon or the products primarily sold or manufactured thereon.
12. Board. The Board of Zoning Appeals of German Township, Clark County, Ohio.
13. Boarding or Lodging House. A building or part thereof, other than a hotel or restaurant, where meals and/or lodging are provided, for compensation, for five (5) or more persons not transients.
14. Building. Any structure having a roof supported by columns or walls, used or Intended to be used for the shelter or enclosure of persons, animals or property.
15. Building, Height of. The vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs.
16. Cellar. A story of the floor of which is more than one-half (1/2) of its story height below the average contact ground level at the exterior walls of the building. A cellar shall be counted as a story, for the purpose of height regulations, only if used for dwelling purposes other than by a janitor or caretaker employed on the premises.
17. Commercial Recreation Area – Any area owned by any nongovernmental entity or person maintained for recreational use that derives profit for the owner or owners thereof.
18. Commission, Planning. Clark County-Springfield Regional Planning Commission.
19. Commission, Zoning. Township Zoning Commission of German Township, Clark County, Ohio.
20. Commissioners, County. Board of County Commissioners of Clark County, Ohio
21. Country Club – any private owned and operated club, in which members pay an initiation fee and then monthly or yearly dues, which provides for member use, some type of recreational facilities, i.e. golf course, tennis court, swimming pool.
22. Court. An open unoccupied and unobstructed space, other than a yard, on the same lot with a building or group of buildings.
  - (a) Court, Outer. A court which extends directly to and opens for its full length on a street, or other permanent open space or yard, at least twenty-five (25) feet wide.

23. District. A portion of the territory of German Township within which certain uniform regulations and requirements of various combinations thereof apply under the provisions of this Resolution. The term "R-District" shall mean any R-1, R-1A, R-2, R-2A, R-3, R-4, or R-5 District; the term "B-District" shall mean any B1, B1A, B-2, or B3 District; the term "M-District" shall mean any M-1 or M-2 District. The term "S" added to any district shall mean with additional specifications as determined by the Zoning Board.
- (a) Districts-More Restricted or Less Restricted. Each of the districts in the following listing shall be deemed to be more restricted than of the other districts succeeding it, and except as modified by this Resolution, each shall be deemed to be less restricted than any of the other districts preceding it: R-1, R-1A, R-2, R-2A, R-3, R-4, R-5, A-1, B-1, B-1A, B-2, B-3, M-1 and M-2.
24. Dwelling. Any building or portion thereof designed or used as the residence or sleeping place of one or more persons, but not including a tent, cabin, trailer or trailer coach, or a room in a hotel or motel.
- (a) Dwelling Unit. One room, or a suite of two or more rooms, designed for or used by one family for living and sleeping purposes and having only one (1) kitchen or kitchenette.
- (1) Dwelling, Single Family. A building designed for or used exclusively by one family or housekeeping unit.
- (2) Dwelling, Two Family. A building designed for or used exclusively by two families or housekeeping units.
- (3) Dwelling, Multi-Family. A building or portion thereof designed for or used by three or more families or housekeeping units.
25. Factory-Built Housing. A factory-built structure designed for long-term residential use, the components of which are essentially constructed or assembled prior to its delivery to and installation upon a site. For the purposes of this Ordinance (Resolution), "factory-built housing" shall include the following:
- (a) Manufactured Home. Any non-self-propelled vehicle transportable in one or more sections which, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a permanent dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, and which bears a label certifying that it is built in compliance with The Federal Manufactured Housing Construction and Safety Standards.
- (b) Modular Home. Factory-built housing certified as meeting the (local or) State Building Code as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site-built homes.



26. Family. A person living alone or two or more persons living together as a single housekeeping unit, in a dwelling unit, as distinguished from a group occupying a boarding house, lodging house, motel or hotel, fraternity or sorority house.
27. Garage, Private. A detached accessory building or a portion of the principal building used for the storage of motor vehicles, or trailers by the families resident upon the premises; provided that not more than one-half (1/2) of the space may be used for motor vehicles of persons not resident on the premises, except that all of the space in a garage of one or two car capacity may be so used.
28. Garage, Public. A structure or portion thereof, other than a private garage, used for the storage, sale, hire, care, repair, or refinishing of self-propelled vehicles or trailers except that a structure or part thereof used only for storage or display of self-propelled passenger vehicles, but not for transients, and at which automobile fuels and oils are not sold and motor driven vehicles are not equipped, repaired or hired, shall not be deemed to be a public garage.
29. Household Pet. A domesticated animal kept for pleasure rather than utility.
30. Junk Yard. An enclosed area or place where waste, discarded or salvaged materials are brought, sold, exchanged, baled, packed disassembled or handled, including auto wrecking yards and place or yards for storage of salvaged house wrecking and structural steel materials and equipment.
31. Kennel: A building or structure which may also include outdoor pens or runs for dogs or other animal which are housed or boarded for a fee, or an establishment for the breeding or training of such animals, or any structure or premise on which five (5) or more dogs over four (4) months of age are kept.
32. Land Use Plan. The long-range plan for the desirable use of land in Clark County as officially adopted, and as amended from time to time, by the Planning Commission.
33. Lot. A piece, parcel or tract of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings or utilized for a principal use and uses accessory thereto, together with such open spaces as required by this resolution, and having frontage on a public street.
  - (a) Lot, Corner. A lot abutting upon two (2) or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees. The point of intersection of the street lines is the 'corner'.
  - (b) Lot Interior. A lot other than a corner lot.
  - (c) Lot Area. The computed area contained between the lot lines exclusive of all the public rights-of-way.
  - (d) Lot, Depth. The mean horizontal distance between the front and the rear lot lines.

- (e) Lot, Lines. The property lines bounding the lot.
  - (1) Lot, Line, Front. The line separating the lot from a street right-of-way.
  - (2) Lot, Line, Rear. The lot line opposite and most distant from the front lot line.
  - (3) Lot Line, Side. Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.
  - (4) Lot Line, Street or Alley. A lot line separating the lot from a street or alley.
- (f) Lot Width. The mean width of the lot measured at right angles to its depth. Provided, however, that the minimum lot width required in each District shall be measured at a distance from the front lot line equal to the required least depth of front yard.
- 34. Major or Secondary Highway. An officially designated Federal or State numbered highway or county or other road designated as a major thoroughfare on the official Thoroughfare Plan, or a county or other road designated as a secondary thoroughfare on said Plan, respectively.
- 35. Mobile Home. See Trailer.
- 36. Motel or Tourist Court. A building, or group of buildings, comprising individual sleeping units for the accommodation of transient guests, not containing individual cooking or kitchen facilities.
- 37. Non-Commercial Recreational Area - Any area maintained for recreational use that does not charge admission or whose admission is limited to covering the expense of maintaining, and improving the property only.
- 38. Non-Conforming Use. A building, structure of premises legally existing and/or used at the time of adoption of this Resolution, or any amendment thereto and which does not conform with the use regulations of the district in which located. Any such building, structure of premises conforming in respect to use but not in respect to height, area, yards, or courts, or distance requirements from more restricted districts or uses, shall not be considered a non-conforming use.
- 39. Parking Area, Private. An open area for the same uses as a private garage.
- 40. Parking Area, Public. An open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free, or as an accommodation for clients or customers.
- 41. Parking Space. An area of not less than one hundred sixty (160) square feet, either within a structure or in the one exclusive of driveways or access drives, for the parking of a motor vehicle.
- 42. Private Non-Commercial Recreational Area – Any non-commercial recreational property to which access is limited to members.

43. Radio and Television Transmission Towers. (Commercial) Shall include any such facility having a height of two hundred (200) feet or over.
44. Road. See Street.
45. Roadside Stand. A temporary structure designed or used for the display or sale of agricultural products.
46. Specified Anatomical Area. Less than completely and opaquely covered human genitals, pubic region, buttock, or female breasts below a point immediately above the top of the areola; human male genitals in a discernibly turgid state, even if completely and opaquely covered.
47. Specified Sexual Activities. Human genitals in a state of sexual stimulation or arousal; acts, whether real or simulated, of human masturbation, sexual intercourse, sodomy, cunnilingus, fellatio; fondling or other erotic touching of human genitals, public regions, buttock, or female breasts.
48. Stable, Private. A structure housing horses, cows or similar animals, no part of which structure is for rent.
49. Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.
  - (a) Story, Half. A partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four (4) feet above the floor of such story; provided, however, that any partial story used for residence purposes, other than for a janitor or caretaker and his family, shall be deemed a full story.
  - (b) Story, First. The lowest story or the ground story of any building the floor of which is not more than twelve (12) inches below the average contact ground level at the exterior walls for the building; except that any basement or cellar used for residence purposes, other than for a janitor or caretaker or his family, shall be deemed the first story.
50. Street. A public right-of-way fifty (50) feet or more in width which provides a public means of access to abutting property or any such right-of-way more than thirty (30) feet and less than fifty (50) feet in width provided it existed prior to the enactment of this Resolution. The term street shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term.
51. Structure. Anything constructed, the use of which requires permanent location on the ground or attachment of something having a permanent location on the ground.
52. Structural Alteration. Any change in the structural members of a building, such as trails, columns, beams or girders.
53. Tourist Home. A building or part thereof other than a hotel, boarding house, lodging house or motel, where lodging is provided by a resident family in its home for compensation, mainly for transients.

54. Tourist Court. See Motel.
55. Trailer or Mobile Home (Automobile Trailer and Trail Coach). Any vehicle or structure constructed in such a manner as to permit occupancy thereof as living and sleeping quarters or the conduct of any business, trade or occupation, or use as a selling or advertising device, or use for storage or conveyance for tools, equipment, or machinery, and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor power. All such vehicles shall be titled and display a number.
56. Trailer or Mobile Home Camp or Trailer Park. Any lot or part thereof, or any parcel of land, which is used or offered as a location for three (3) or more trailers used for any purposes as set forth in Chapter 17, Section B.
57. Thoroughfare Plan. The official Thoroughfare Plan as adopted, and as amended from time to time, by the Regional Planning Commission of Clark County, Ohio, establishing; the general location and official right-of-way widths of the major and secondary highways and thoroughfares in Clark County, on file in the office of the County Recorder and the Regional Planning Commission.
58. Use, Transitional. A use of land or building, located or permitted to be located on certain lots abutting a zoning boundary line in the more restricted of the two different zoning districts on either side of such boundary line, in accordance with the provision of Chapter 6, Section M of this Resolution, which is not among the uses generally permitted in other locations in said more restricted districts.
59. Yard, Front. An open space extending the full width of the lot between a building, and the front lot line, unoccupied and, unobstructed from the ground upward except as hereinafter specified.
  - (a) Front Yard, Least Depth. The shortest distance measured horizontally, between any part of a building, other than such parts hereinafter excepted, and the front lot line. Such depth shall be measured from the right-of-way line of the existing street on which the lot fronts, provided, however, that if the proposed location of the right-of-way line of such street as established on the Thoroughfare Plan differs from that of the existing street, then the required front yard least depth shall be measured from the right-of-way line of such street as designated on said Thoroughfare Plan.
60. Yard, Rear. An open space extending the full width of the lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward except as hereinafter specified.
  - (a) Rear Yard, Least Depth. The shortest distance measured horizontally, between any part of a building, other than such parts hereinafter excepted, and the rear lot line.

61. Yard, Side. An open space extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward except as hereinafter specified.
  - (a) Side Yard, Least Width. The shortest distance measured horizontally, between any part of a building, other than such parts hereinafter excepted, and the nearest side lot line. Such width shall be measured from the nearest side lot line and in case the nearest side lot line is a side street lot line, from the right-of-way line of the existing street; provided, however, that if the proposed location of the right-of-way line of such street as established on the Thoroughfare Plan differs from that of the existing street, then the required side yard least width shall be measured from the right-of-way of such street as designated on the Thoroughfare Plan.
62. Zoning Inspector. The Zoning Inspector or his authorized representative appointed by the Trustees of German Township, Clark County, Ohio.
63. Zoning Map. The Zoning Map or Maps of German Township Clark County, Ohio, dated, together with all amendments subsequently adopted.
64. Zoning Certificate of Occupancy. A document issued by the Zoning Inspector authorizing the use of and/or the construction of buildings, structures or other physical improvements for uses consistent with the terms of this Resolution and for the purpose of carrying out and enforcing its provision.
65. Trustees, Township. The elected Trustees of German Township, Clark County, Ohio.
66. German Township. German Township of Clark County, Ohio.

# CHAPTER 5

CHAPTER 5  
DISTRICTS AND BOUNDARIES THEREOF

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- A. For the purposes of this Resolution, the Unincorporated Territory of German Township, is hereby divided into the following categories of zoning districts:
- A-1 Agricultural District
  - R-1 Suburban Residence District
  - R-1A Planned Intermediate Residence District
  - R-2 One-Family Residence District
  - R-2A Planned Residential Development
  - R-3 One and Two-Family Residence District
  - R-4 Multi-Family Residence District
  - R-5 Multi-Family—Mobile Home Park District
  - B-1 Shopping Center District
  - B-1A Pre-designed Shopping Center District
  - B-2 Community Business District
  - B-3 General Business District
  - M-1 First Industrial District
  - M-2 Second Industrial District
  - PUD Planned Unit Development Regulation
  - PID Planned Industrial District
  - S Specific Use Control
- B. The Boundaries of these districts are hereby established as shown on the Zoning Map or Maps of the unincorporated territory of German Township, which map or maps are hereby made a part of this Resolution. The said Zoning Map or Maps and all notations and reference and other matters shown thereon, shall be and are hereby made part of this Resolution. Said Zoning Map or Maps, properly attested, shall be and remain on file in the office of the Zoning Inspector, Township Trustees and Zoning Commission, of German Township in Clark County, Ohio.
- C. Except where referenced on said map to a street line or other designated line by dimensions shown on said map or maps the district boundary lines are intended to follow property lines, lot lines or centerlines of streets, alleys, streams or railroads as they existed at the time of the adoption of this Resolution; or the extension of such lines, but where a district line obviously does not coincide with the property lines, lot lines or such centerlines as extended, or where it is not designated by dimensions, it shall be deemed to be located as follows:
- D. Along a quarter or eighth section line, or
- E. If located parallel with a Major or Secondary Thoroughfare, two hundred (200) feet from its nearest right-of-way thereof, or
- F. If located parallel with any street or road not a Major or Secondary Thoroughfare, two hundred and thirty (230) feet from the centerline thereof.

- G. Where a district boundary line as established in this Chapter or as shown on the Zoning Map or Maps divides a lot which was in single ownership and of record at the time of enactment of this Resolution, the use authorized thereon and the other district requirements applying to the least restricted portion of such lot under this Resolution shall be considered as extending to the entire lot. The use so extended shall be deemed as conforming.
- H. Questions concerning the exact location of district boundary lines shall be determined by the Board as provided in Chapter 24, Section B, Item 5 (a) and in accordance with rules and regulations which may be adopted by it.
- I. Whenever any street, alley or other public way is vacated by official action as provided by law, the zoning districts adjoining the side of such public way shall be automatically extended, depending on the side or sides to which such lands revert, to include the right-of-way thus vacated, which shall thenceforth be subject to all regulations of the extended district or districts.
- J. In every case where territory has not been specifically included within a district, or where territory becomes a part of the unincorporated area of German Township by the disincorporation of any village, town, city, or portion thereof, such territory shall automatically be classified as an A-1 District, until otherwise classified.



# CHAPTER 6

CHAPTER 6  
GENERAL PROVISIONS

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- A. Conformance Required.
1. No land shall be used and no building or structure shall be erected, converted, enlarged, reconstructed, moved, or structurally altered, except as permitted by the provisions of this Resolution.
  2. Unless specifically allowed elsewhere in the Resolution, no land shall be changed in use and no building or structure shall be occupied or used and no existing building or structure shall be changed in use until a Zoning Certificate of Occupancy has been issued by the Zoning Inspector. No such Zoning Certificate shall be issued unless the plans for the proposed building or structure or land use fully comply with the provisions of this Resolution.
- B. Continuing Existing Uses. Except as hereinafter specified, any use, building or structure, existing at the time of the enactment of this Resolution may be continued even though such use, building or structure may not conform with the provisions of this Resolution for the District in which it is located.
- C. Agriculture. Nothing contained in this Resolution shall prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, and no Zoning Certificate shall be required for any such use, building or structure.
- D. Public Utilities and Railroads. Nothing contained in this Resolution shall prevent the location, erection, construction, change, alteration, maintenance, removal, use of enlargement of any building or structure 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, and no Zoning Certificate for such use, structure or building shall be required.
- E. Outdoor Advertising. Outdoor advertising shall be classified as a business use and shall be permitted in all districts zoned for industry, business, trade or lands used for agricultural purposes, subject to the provisions of Chapter 19 and the applicable district regulations.
- F. Non-Conforming Uses or Buildings. The lawful use of any dwelling, building, or structure and of any land on premises, as existing and lawful at the time of the enactment of this Resolution or any amendment thereto may be continued subject to the provisions of this Section.
1. Any property purchased or acquired in good faith for any non-conforming use prior to the adoption of this Resolution, upon which property the work of changing or remodeling or construction or such non-conforming use has been commenced at the time of adoption of this Resolution may be used for the non-conforming use for which such changing, remodeling or construction was undertaken provided that said work is completed within twelve (12) months of the date of adoption of this Resolution.
  2. Any land for which there is a plat recorded prior to the adoption of this Resolution showing a specific use not in conformance with the provisions of this Resolution may be used in accordance with the plat.

G. Substitution or Extension.

1. The Board may authorize the substitution of a non-conforming use by another non-conforming use which is permitted in the same district in which the existing use is first permitted, if no structural alterations except those required by law or resolution are made; provided, however that in an R-District, no change shall be authorized to any use which is not a permitted or conditional use in any R- District, and in a B-District, no changes shall be authorized to any use which is not a permitted or conditional use in any B-District.
2. Whenever a non-conforming use has been changed to a conforming use, such shall not thereafter be changed to a non-conforming use.
3. The Board may authorize the extension of a non-conforming use upon the lot occupied by such building, or upon an adjoining lot which was in the same ownership as the lot in question at the time the use of such building became non-conforming, provided that such extension is necessary and incidental to such existing non-conforming use; provided further that the value of such extension shall not exceed in all, twenty-five (25) percent of the assessed evaluation for tax purposes of the existing building devoted to a non-conforming use, and that such extension shall be within a distance of not more than fifty (50) feet of the existing building or premises, and provided further, that such extension shall in any case be undertaken within five (5) years after the effective date of this Resolution.
4. The Board may authorize the extension of a non-conforming use throughout those parts of an existing building which, manifestly were designed or arranged for such use prior to the effective date of this Resolution if no structural alterations except those required by law are made therein.
5. The Board may authorize the extension of a non-conforming use into a more restricted District immediately adjacent thereto under such conditions as will safeguard development in the more restricted district.

H. Discontinuance. No building structure or premises where a non-conforming use has been voluntarily discontinued for two (2) years or more shall again be put to a non-conforming use.

I. Reconstruction. Nothing in this Resolution shall prevent the reconstruction of a building or structure, wholly or partly destroyed by fire, flood, explosion, wind, earthquake, war, riot or other calamity or act of God provided the reconstruction is performed within twelve (12) months of such happening.

J. Repairs and Alterations. Such repairs and maintenance work as required to keep it in sound condition may be made to a non-conforming building or structure, provided no structural alterations shall be made except such as are required by law or authorized by the Board.

K. 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, shall be permitted only within a district in which a new building of similar occupancy would be permitted under this Resolution, and only when the resulting occupancy will comply with the requirements governing new construction in such district.

- L. Transitional Uses in R-Districts. In any R-1, R-1A, R-2 or R-3 District a transitional use shall be permitted on a lot the side lot line of which adjoins, either directly or across an alley, any B or M District. The permitted transitional uses for any such lot in an R-1 or R-1A District shall be any use permitted in the R-2 District; the permitted transitional uses for any such lot in an R-2 District shall be any use permitted in the R-3 District; and the permitted, transitional uses for any such lot in an R-3 District shall be any use permitted in the R-4 District. In the case of any such lot in an R-1, R-1A, R-2, or R-3 District, the requirements governing lot area per dwelling unit, off street parking, yards and other open spaces shall be the same as for the District respectively next listed in Chapter 5, Section A. Any transitional use authorized under this subsection shall not extend more than one hundred (100) feet from the side lot line of the lot abutting on the Zoning district boundary line.
- M. Yard Requirements Along Zoning Boundary Line in Less Restricted Districts. Along any zoning boundary line, on a lot adjoining such a boundary line in the less restricted district, any abutting side yard, rear yard or court, unless subject to greater restrictions or requirements stipulated by other provision of this Resolution, shall have a minimum width and depth equal to the average of the required minimum width or depths for such side yards, rear yards or courts in the two (2) districts on either side of such zoning boundary line. In case where the height of a proposed structure on such lot in the less restricted district is greater than the height permitted in the adjoining more restricted district, the minimum width or depth of the side yard, rear yard or court for such structure shall be determined by increasing the minimum width or depth required for the highest structure permitted in such more restricted district by one (1) foot for each two (2) feet by which the proposed structure exceeds the maximum height permitted in said more restricted district.
- N. Accessory Buildings in R-Districts. An accessory building may be erected detached from the principal building or, except in the case of a stable, may be erected as an integral part of the principal building, or it may be connected thereto by a breezeway or similar structure. No accessory building shall be erected in any required court, or in any required yard other than a rear yard, except that where the natural grade of a lot at the front line of the principal building is such as to result in a driveway having a grade of twelve (12) percent or greater, a private garage may be erected within the front yard, but not within fifty (50) feet of the street line.
1. If not in a rear yard. Any accessory building shall be integral or connected with the principal building to which it is accessory, and shall be so placed as to meet all yard, and court requirements for a principal building of such height and other dimension.
  2. If located in a rear yard. Both detached and integral or connected accessory structures shall be subject to the requirements set forth in the following paragraphs.
    - (a) The height of such accessory buildings shall not exceed sixteen (16) feet and the distance of such buildings from other separate buildings or structures on the same lot shall be at least six (6) feet, except that as provided for in the introductory Chapter of this paragraph, a breezeway, at least six (6) feet in length, may connect an accessory building with a principal building.

- (b) Where a corner lot adjoins in the rear either directly or across an alley, a lot located in any "R" District, no part of an accessory building located, in a rear yard within twenty-five (25) feet of the common lot line or centerline of the alley shall be nearer the side street lot line than the least depth of the front yard existing or required along such side street for a building required for the principal building to which it is accessory.
  - (c) Coverage of rear yard by accessory buildings shall not exceed twenty-five (25) percent.
- O. Street Frontage Required. Except as permitted by other provisions of this Resolution, no lot shall contain any buildings used in whole or part of residential purposes unless such lot abuts for at least sixty (60) feet on a public street.
- P. Court Requirements.
  - 1. Where a court is provided for the purpose of furnishing light and air to rooms, such court shall be an outer court, the least dimensions of which shall be as follows:
    - (a) Least Width: Sum of heights of building opposite one another but not less than fifty (50) feet.
    - (b) Maximum Length: One and one-half (1 ½) times the width.
- Q. Required Area or Space Cannot be Reduced. No lot, yard, court, parking area, or other space shall be reduced in area or dimension so as to make said area or dimension less than the minimum required by this Resolution; and, if already less than the minimum required by this Resolution, said area or dimension shall not be further reduced. No part of a yard, court, parking area, or other space provided about, or for, any building or structure for the purpose of complying with the provisions of this Resolution shall be included as part of a yard, court, parking area or other space required under this Resolution for another building or structure.
- R. Off-Street Parking and Loading. In any district spaces for off-street parking and for loading or unloading shall be provided in accordance with the provision of Chapter 17 of this Resolution.
- S. Unsafe Buildings. Nothing in this Resolution shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.
- T. Accessory Uses.
  - 1. Generally. In each district, unless otherwise specifically prohibited, any use, building and/or structure customarily incidental and accessory to a permitted use, structure and/or building in such district shall be permitted.

2. Specific Accessory Uses. Without limiting the provisions of Chapter 6, Section T, Item 1, above, the following specific use, structures and/or buildings shall be deemed accessory:
  - (a) Customary incidental home occupations when conducted in a dwelling, provided that
    - (1) No stock in trade is kept or products sold, except such as are made on the premises,
    - (2) Not more than one (1) person not a resident on the premises is employed,
    - (3) Not more than one-fourth (1/4) of the floor area of one story of the dwelling is used for such occupation,
    - (4) The occupation does not involve use of mechanical equipment not customary in dwelling, and
    - (5) Entrance to the space so used is from within the dwelling.
  - (b) Offices of a resident physician, dentist, architect, engineer, or similar professional person, when such office is located within the dwelling and provided that
    - (1) Not more than one (1) person not a resident in said dwelling is employed in said office, and
    - (2) No exterior sign in connection with such use shall exceed four (4) square feet in area nor be closer than twelve (12) feet from all street lines unless attached flat to the building.
  - (c) In any district where located on the premises of a farm, or in all districts other than R-1 and R-2, roadside stands offering for sale agricultural products which were produced on the same premises; provided, if products from the same premises are so offered, additional agricultural products from immediately adjacent premises may be also offered.
    - (1) Such stand shall be located not less than one hundred (100) feet from any lot in any R District and not less than fifteen feet from the street line. If located within two hundred (200) feet of a street intersection, it shall comply with the front yard requirements of the district in which located.
    - (2) Off-street parking spaces shall be provided, for which there shall be a definite entrance from and exit to the street.
    - (3) Each such stand may be provided with one (1) sign, not exceeding twenty (20) square feet in area which if within two hundred (200) feet of an intersection, shall comply with the front yard requirements of the district.
  - (d) Living quarters of persons employed on the premises, provided the same do not contain kitchen facilities and/or are not rented or otherwise used as a separate dwelling.
  - (e) Keeping of not more than two (2) roomers and/or boarders by a resident family.

- (f) Temporary buildings for uses incidental to construction work while construction is in progress.
- (g) Private Swimming Pools – Zoning certificate is required on any pool structure requiring a foundation

U. HAZARDOUS SUBSTANCES: There shall be no storing, use, disposal or release of hazardous substances within the township. This does not apply to the storing, use, disposal or release of quantities of hazardous substances that are generally recognized to be appropriate to normal residential or business usage and property maintenance. As used in this section are those defined as hazardous substance by Federal Law including gasoline, kerosene, other flammable or toxic petroleum products, toxic pesticides and herbicides, volatile solvents, materials containing asbestos or formaldehyde, and radioactive materials.

# CHAPTER 7



## CHAPTER 7

### A-1 AGRICULTURE DISTRICT

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Purpose. The purpose of this Article is to provide and reserve in German Township substantial areas best adapted to and for agriculture.

A. Principal permitted uses.

1. Agriculture, including any customary agricultural building or structure, nurseries, and greenhouses, including display and retail sale of garden supplies, not including farm machinery, incidental to nursery and greenhouse stock.
2. Single-family dwellings; two-family dwellings on farms.
3. Churches and parish houses, schools and colleges including dormitories; public buildings, structures, and properties of the recreational, cultural, administrative or public service type.
4. Private, non-commercial recreation areas, uses and facilities, including country clubs, swimming pools and golf courses, forests and wild life preserves, and similar areas and uses.
5. Commercial poultry farms, commercial hog farms or any other commercial farms, dairies, and riding stables.
6. Outdoor advertising signs and billboards subject to provisions of Chapter 19.
7. Motels, on premises abutting on, and within five hundred (500) feet of a major highway as defined in Chapter 4, Section A, Item 36. Such uses shall comply with the distance requirements in Chapter 7, Section B and with the requirements of Chapter 17, Section A, Item 5. Provided that no such use shall be permitted, and no such existing use shall be enlarged or extended if fifty-one (51) percent or more of the frontage along both sides of the street within five hundred (500) feet in each direction is occupied by dwellings, school, churches, or any institutions for human care. The distance as specified herein shall be measured along the centerline of the road from the nearest point of the frontage of the premises for which the proposed use is sought to be established or enlarged or extended.
8. Commercial hog, fur, or other commercial farms.
9. Cemeteries, including mausoleums and crematories therein, provided that any mausoleum or crematory shall comply with the distance requirements of Chapter 7, Section B and provided that any new cemetery shall contain an area no less than twenty (20) acres.
10. Hospitals and treatment facilities for contagious diseases, and for the insane, liquor, or drug addicts, and penal correctional institutions and similar uses of the same general character, provided that any lot or tract of land in such use shall not be less than ten (10) acres in area, and provided that the location of any such establishment shall comply with the distance requirements in Chapter 7, Section B.
11. Airports and landing fields.

12. Disposal of compost or organic material by the County, a township or municipality, or agents thereof.
13. Living quarters of persons employed on the premises; the keeping of not more than four (4) roomers or boarders by a resident family.
14. Commercial Radio and Television Transmission Towers providing such facility is situated on a tract of land containing at least five (5) acres and that the structure is at least one hundred (100) feet from any other property. Any structure or tower exceeding one hundred (100) feet should be placed at one (1) foot from any other property for each foot of structure or tower height.

B. Required Conditions.

1. All uses, buildings or premises for which compliance with the distance requirements in this Chapter, excluding Section A, Item 1-4, is stipulated in the foregoing Sub-sections of this Article, shall be distant at least two hundred (200) feet from any lot in any R-District, or any lot occupied by a dwelling other than a farm dwelling, or by any school, church or any institution for human care not located on the same lot as the said uses or buildings.
2. The following when authorized by the Board of Zoning Appeals: Commercial mines, quarries, sand, or gravel pits and the processing thereof, as in conformance with Chapter 17, Section D; and kennels as in conformance with the provisions of Chapter 17, Section I.
3. Oil or gas drilling when authorized by the Board of Zoning Appeals and as modified by the provisions of Chapter 17 Section F.

4. Areas. Lot Width and Yard Requirements. The following minimum requirements shall be observed, except as modified by provisions of Chapter 18:

Principal permitted uses:	MINIMUM ZONING LOT REQUIREMENTS						Maximum Height
	Lot Size	Frontage Width	YARD REQUIREMENTS (feet)				Stories
			Front Setback	Side Yard Least Width	Side Yard Sum of Both	Rear Setback	
Motel	5 acre	300 ft.	50 ft.	50 ft.	100 ft.	50 ft.	2
Single family Residential	1 acre	150 ft.	50 ft.	15 ft.	30 ft.	50 ft.	2 ½

# CHAPTER 8

## CHAPTER 8

### R-1 SUBURBAN RESIDENCE DISTRICT

---

- A. Purpose. The Purpose of this Article is to provide and reserve residential land for families whose principal income is derived from employment or occupation in urban centers but who desire to live in suburban areas, where homes on lots of substantial size are available for activities of children, for gardening and family recreation.
1. Principal Permitted Uses:
- (a) One Single Family detached dwelling per lot.
  - (b) Churches and other places of worship, parish houses, and Sunday School buildings, located not less than fifty (50) feet from any lot in any R-District.
  - (c) Schools and colleges for academic instruction located not less than fifty (50) feet from any other lot in an R-District.
  - (d) Public buildings and properties of a cultural, recreational, administrative or service type, not including repair garages, storage or repair yards or warehouses provided any such building shall be located not less than twenty-five (25) feet from any other lot in any R-District.
  - (e) Public parks, playgrounds, recreational and community center buildings and grounds; public golf courses, tennis courts and similar recreational uses, all of a non-commercial nature; provided that any principal building or swimming pool shall be located not less than one hundred (100) feet from any other lot in any R-District.
  - (f) Nurseries, greenhouses, and agriculture.
  - (g) Country Clubs, golf courses, and other private non-commercial recreation areas and facilities, including swimming pools; provided that any principal building or swimming pool shall be located not less than one hundred (100) feet from any other lot in any R-District, and swimming pools shall comply with the requirements of Chapter 17.
  - (h) Nursery Schools and child care centers if located not less than thirty-five (35) feet from any other lot in any R-District.
  - (i) Cemeteries adjacent to or in extension of existing cemeteries, subject to the provisions of Chapter 24, Section C.
  - (j) Commercial Radio and Television Transmission Towers providing such facility is situated on a tract of land containing at least five (5) acres and that the structure is at least one hundred (100) feet from any other property. Any structure or tower exceeding one hundred (100) feet should be placed at one (1) foot from any other property for each foot of structure or tower height.

2. Height of Buildings. No principal structure shall exceed two and one-half (2 ½) stories or thirty (30) feet in height, and no accessory structure shall exceed one and one-half (1 ½) stories or twenty (20) feet in height, except as provided in Chapter 18.
3. Area, Lot Width and Yard Requirements. The following requirements shall be observed except as may be modified by Chapter 18.
  - (a) In standard R-1 District the minimum requirements are:
    - One (1) acre
    - Road Frontage minimum of one hundred fifty (150) foot
    - Front yard set back of fifty (50) feet from the lot line
    - Rear yard set back of fifty (50) feet from the property line
    - Side yard set back of fifteen (15) feet from each side property lines
    - Residential accessory building setbacks fifteen (15) feet from each side and rear property lines. Must be a minimum of six (6) feet away from any other building. Cannot be in a front yard except as stated in Chapter 6.

# CHAPTER 8.5

CHAPTER 8.5

R-1A PLANNED INTERMEDIATE RESIDENCE DISTRICT

---

B. Purpose. The purpose of this district is to provide and protect residential land for single-family dwellings with an intermediate density of use.

1. Principal Permitted uses.

(a) Any use structure permitted and as regulated in the R-District, except as hereinafter modified.

2. Area, Width, and Yard Requirements. The following minimum requirements shall be observed except as modified by provisions of Chapter 18.

<b>Lot area</b>	<b>Lot Width</b>	<b>Front Yard Setback</b>	<b>Each Side Yard</b>	<b>Rear Yard Setback</b>
<b>12,000 sq ft per dwelling</b>	<b>80 ft</b>	<b>30 ft</b>	<b>12 ft</b>	<b>40 ft</b>

# CHAPTER 9



CHAPTER 9

R-2 SINGLE FAMILY RESIDENCE DISTRICT

A. Purpose. The purpose of this Article is to provide and protect residential land for single-family dwellings.

1. Principal Permitted Uses.

(a) Any use or structure permitted and as regulated in the R-1 District, except as hereinafter modified.

2. Height Regulations. Same as specified for R-1 District.

3. Area, Width and Yard Requirements. The following minimum requirements shall be observed except as modified by provisions of Chapter 18.

<b>Lot areas</b>	<b>Lot Width</b>	<b>Front Yard Setback</b>	<b>Each Side Yard</b>	<b>Both Side Yards Total</b>	<b>Rear Yard Setback</b>
<b>7,500 sq ft per dwelling</b>	<b>60 ft</b>	<b>30 ft</b>	<b>10 ft</b>	<b>24 ft</b>	<b>40ft</b>

Table 9-1

B. R-2A Planned Residential Development.

1. Purpose. The Purpose of this Article is to permit the establishment of residential areas and allow variations in density all in accordance with an approved plan.

2. Principal Permitted Uses.

(a) Any use or structure permitted and as regulated, in the R-2 District except as hereinafter modified.

(b) Multi-family dwellings for any number families or house keeping units as hereinafter regulated.

3. The following provisions shall be complied with when the owner of a tract of land wishes to have his land rezoned to an R-2A District.

(a) The owner or owners of any tract of land comprising an area of not less than twenty (20) acres shall submit to the German Township Zoning Commission for its review seven (7) copies of a plan for the use and development of such a tract of land. The items set forth in Chapter 9, Section B, Item 5 shall be noted on the plan. The development plan shall be referred to the Clark County-Springfield Regional planning Commission for study and report. All requirements of the subdivision regulations shall be complied with.

- (b) The German Township Zoning Commission shall review the plan with the intent, if the application is approved, of providing a development which will be harmonious with the surrounding area and complies with the requirements of this Article. Thereafter the Zoning Commission will submit its recommendation to the Township Trustees.
- (c) Following the public hearing of the Township Trustees, the plan may be modified by the County Planning Commission by a unanimous vote of the entire Township Trustees.
- (d) After the plan has been approved by the Township Trustees and in the course of carrying out this plan the proponents may request of the Township Trustees adjustments of rearrangements of the land use providing the request conforms to the standards established by the approved plan and this zoning resolution. Such adjustments or rearrangements may be authorized by a unanimous vote of the entire Township Trustees.
- (e) All lots shall contain the following minimum area and width requirements except lots created within the requirements of Chapter 9, Section B, Item 3 (g), (h), & (i).

Type of use	Lot Area	Lot Width
Single Family Dwelling	7,500 sq. ft.	60 ft.
Two or Three Family Dwelling	10,000 sq. ft.	80 ft.
Four Family Dwelling	12,000 sq. ft.	80 ft.
Multi Family Dwelling of more than 4 units	2,500 sq. ft. per unit	100 ft.

Table 9-2

- (f) In this district the required lot area and lot width may be reduced, but not below the following minimum standards.

Type of use	Lot Area	Lot Width
Single Family Dwelling	5,700 sq. ft.	50 ft.
Two or Three Family Dwelling	8,000 sq. ft.	65 ft.
Four Family Dwelling	8,000 sq. ft.	65 ft.
Multi Family Dwelling of more than 4 units	2,000 sq. ft.	80 ft.

Table 9-3

- (g) If the developer intends to use the reduced standards as set forth in Chapter 9, Section B, Item 3 (f) the German Township Zoning Commission may permit an overall dwelling unit density for single-family dwelling units not to exceed 4.8 dwelling units per acre on eighty (80) percent or more of the area and for two or more family dwelling units, 14.8 dwelling units per acre up to twenty (20) percent of the area.
  - (h) A plan which is designed with reduced lot size and frontage as set forth in Chapter 9, Section B, Item 3 (f) for the proposed development of land shall not be approved by the Zoning Commission, unless such plan provides open space in area at least equal to the amount of area by which the lots are reduced. The area set aside for open space shall not be less than two (2) acres.
  - (i) The open space may be dedicated to the proper political subdivision with the mutual consent of the developer and the political subdivision. In lieu of such an agreement: the developer shall set aside the open space for the common use of all the owners of the residential lots in the subdivision; When the land is set aside for the common use of the owners, plans for the improvement and maintenance of the land must be approved by the County Park Board and suitable deed covenants made to insure the continuing uses and maintenance of the land for open space purposes to the Park Board's satisfaction.
4. If the developer intends to use the normal minimum requirements as set forth in Chapter 9, Section B, Item 3(e) the German Township Zoning Commission may permit up to, but not to exceed twenty (20) percent of the developed land to be used for two or multi-family dwelling units.
  5. The submitted plan shall show the general topography, the general layout with dimensions of the lots and streets the location of the different types of land uses with the number of dwelling units planned for each lot, the acreage to be developed in each type of land use, the location of the proposed open space if involved, the location within the tract of such physical features as drainage channels, wooded area, fences, roads, railroad and buildings, and the overall acreage.
  6. Any land zoned R-2A shall revert back to the zoning district shown on the official map immediately prior to the last map amendment, for the land involved, upon the submission of a written request by the owner to the Township Trustees.

# CHAPTER 10

CHAPTER 10  
R-3 TWO FAMILY RESIDENCE DISTRICT

---

- A. Purpose. The purpose of this Article is to provide two-family residential zones near the center of urban areas.
- B. Principal Uses.
  1. Any use or structure permitted and as regulated in the R-2 District, except as hereinafter modified.
  2. Two-Family dwellings.
  3. Tourist homes, not over six (6) guests, but only on premises which front on a major highway as defined in Chapter 4, Section A, Item 53.
  4. Clubs, fraternities, lodges and other meeting places of other organizations, not including any use that is customarily conducted as a gainful business, provided that buildings in which such meeting places are housed shall be located at least thirty-five (35) feet from any other lot in any R District.
  5. Rest homes or nursing homes for convalescent patients, provided that any buildings for such use shall be distant not less than thirty five (35) feet from any other lot in any R-District.
- C. Height Regulations. Same as specified in R-1 District.
- D. Area, Lot Width and Yard Requirements. The following minimum requirements shall be observed except as modified by provision of Chapter 18.

<b>Lot areas</b>	<b>Lot Width</b>	<b>Front Yard Setback</b>	<b>Each Side Yard</b>	<b>Both Side Yards Total</b>	<b>Rear Yard Setback</b>
<b>7,500 sq ft per single dwelling</b>	<b>60 ft</b>	<b>25 ft</b>	<b>10 ft</b>	<b>24 ft</b>	<b>40 ft</b>
<b>10,000 sq ft per Two-Family dwelling</b>	<b>80 ft</b>	<b>25 ft</b>	<b>10 ft</b>	<b>24 ft</b>	<b>40 ft</b>

Table 10-1

# CHAPTER 11

CHAPTER 11

R-4 MULTIPLE FAMILY RESIDENCE DISTRICT

- A. Purpose. The purpose of this Chapter is to provide for multiple-family dwellings in the unincorporated area of the township.
1. Principal Permitted Uses.
    - (a.) Any use or structure permitted and as regulated in the R-3 District, except as hereinafter modified.
    - (b) Multi-family dwellings for any number of families or housekeeping units.
    - (c) Apartment hotels, lodging houses, and boarding houses for any number of guests, but not primarily for transients, including therein incidental accessory service, such as restaurants and newsstands, where conducted and entered from within the building, provided there is not exterior display or advertising except for an indirectly illuminated announcement sign not exceeding six (6) square feet in area which, if not attached to the building, shall be distant at least twelve (12) feet from all street lines.
  2. Height Regulations. No structure shall exceed three (3) stories of forty (40) feet in height, except as provided in Chapter 18.
  3. Area, Lot Width and Yard Requirements. The following minimum requirements shall be observed except as modified by provisions on Chapter 18

<b>Lot areas</b>	<b>Lot Width</b>	<b>Front Yard Setback</b>	<b>Each Side Yard</b>	<b>Both Side Yards Total</b>	<b>Rear Yard Setback</b>
<b>7,500 sq ft Single family dwelling</b>	<b>60 ft</b>	<b>25 ft</b>	<b>10 ft</b>	<b>24 ft</b>	<b>40 ft</b>
<b>10,000 sq ft Two-family dwelling</b>	<b>80 ft</b>	<b>25 ft</b>	<b>10 ft</b>	<b>24 ft</b>	<b>40 ft</b>
<b>11,000 sq ft Three family dwelling</b>	<b>80 ft</b>	<b>25 ft</b>	<b>12 ft</b>	<b>28 ft</b>	<b>50 ft</b>
<b>12,000 sq ft Four family dwelling</b>	<b>80 ft</b>	<b>25 ft</b>	<b>12 ft</b>	<b>28 ft</b>	<b>50 ft</b>
<b>Multiple family Dwellings 2,500 sq ft per dwelling unit</b>	<b>100 ft</b>	<b>25 ft</b>	<b>14 ft</b>	<b>30 ft</b>	<b>60 ft</b>
<b>In excess of 4 families</b>	<b>100 ft</b>	<b>25 ft</b>	<b>16 ft</b>	<b>36 ft</b>	<b>60 ft</b>

# **CHAPTER 11.5**



CHAPTER 11.5

R-5 MULTI-FAMILY MOBILE HOME PARK DISTRICT

---

- A. Purpose. The purpose of this Chapter is to provide for multi-family buildings and mobile home parks.
1. Principal Permitted Uses.
- (a) Any use or structure permitted and as regulated in the R-4 District, except as hereinafter modified.
- (b) Mobile Home Parks in accordance with the provisions of Chapter 17.

# CHAPTER 12

## CHAPTER 12

### B-1 SHOPPING CENTER DISTRICT

---

- A. Purpose. The purpose of this Article is to permit the establishment of shopping center serving the day to day community needs and the occasional shopping needs of occupants in the surrounding area. The primary intent of this district is to encourage the development of well-planned shopping centers.
1. Principal Permitted Uses.
    - (a) Any use as permitted or allowed in the R-4 District.
    - (b) Any retail business provided all display and storage is within a completely enclosed building.
    - (c) The following services and service establishments.
      1. Drive-in theater provided all parts of such drive-in theater other than yard areas and access drive-ways shall be distant at least two hundred (200) feet from the established right-of-way of street or highway and the screen shall not be visible from any adjoining street.
      - (2) Hotel.
      - (3) Motel.
      - (4) Commercial baseball fields, swimming pools, golf driving range, livery stable or riding academy, amusement parks or similar recreational and facilities except as hereinafter modified, if located at least two hundred (200) feet from any R-District.
      - (5) Funeral Parlor.
      - (6) Inns and other dining places, outdoor theaters, commercial swimming pools and other commercial recreation areas, on premises abutting on, and within five hundred (500) feet of a major or secondary highway. Such uses shall comply with two (2) times the distance requirements in Chapter 7, Section B. Any outdoor theater shall be so located that the screen cannot be seen from a major or secondary highway.
    - (d) The following services and service establishments provided all business, service, or processing shall be conducted so as not to encroach on neighbors rights.
      - (1) Restaurants, cafe, and soda fountain.
      - (2) Automobile service station, and parking lots.
      - (3) Bank, building and loan associations, personal loan company.
      - (4) Theater or assembly hall.
      - (5) Inter-city bus station.

- (6) Bar, cocktail lounge, night club, billiard parlor, pool hall, dance hall, or similar enterprise provided that such use is located in a building containing no opening other than stationary windows or required fire exits within two hundred (200) feet of any R-District.
- (7) Hospitals and treatment facilities not for contagious diseases, the insane, liquor or drug addicts, religious or charitable institutions not including penal correctional institutions and similar uses of the same general character, and provided that the location of any such establishment shall comply with the distance requirements in Chapter 7, Section B.
- (8) Cleaning and dyeing establishments, self-service laundry and dry cleaning shops and interior decorating.
- (9) Bowling alley and skating rink if located at least two hundred (200) feet from any R-District.
- (10) Single or multiple office buildings.
- (11) Commercial Radio and Television Broadcasting Studios.
- (12) Commercial Radio and Television Transmission towers providing such facility is situated on a tract of land containing at least five (5) acres and that the structure is at least one hundred (100) feet from any other property. Any structure or tower exceeding one hundred (100) feet should be placed at one (1) foot from any other property for each foot of structure or tower height.
- (13) Any other service established or uses of the same general character as the above permitted uses.

2. Required Conditions

- (a) In any B-1 District fronting directly across the street from any R-District, the parking and loading facilities shall be distant at least ten (10) feet from the established street right-of-way line, and the buildings and structures at least fifty (50) feet from the said right-of-way.
- (b) All products produced on the premises. Whether primary or incidental, shall be sold at retail primarily on the premises where produced.
- (c) Process and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas fumes, noise, vibration, refuse matter or water carried waste.
- (d) Directional and other incidental sign, not exceeding a total of twenty-five (25) square feet of sign face area provided there is not more than fifteen (15) square feet per sign face, required in connection with the operation of an automobile service station, parking lot or similar-establishment, shall not extend over street right-of-way nor otherwise obstruct nor impair the safety of pedestrians or motorists.

- (e) Unless otherwise stated the distance between lot line and structures must be a minimum of fifteen (15) foot in all districts.
- 3. Height Regulations. No structure shall exceed three (3) stories or forty (40) feet in height; except as provided in Chapter 18, Section B.
- 4. Area, Lot Width, and Yard Requirements. The following minimum requirements shall be observed, except as modified by provisions of Chapters 17 & 18. Unless otherwise stated, the distance between lot line and structures must be a minimum of fifteen (15) feet in all districts.

<b>Lot Areas</b>	<b>Lot Width</b>	<b>Front Yard Setbacks</b>	<b>Each Side Yard</b>	<b>Both Side Yards total</b>	<b>Rear Yard Setbacks</b>
<b>Dwellings and Other uses allowed In the R-4 District</b>	<b>Same as R-4</b>	<b>Same as R-4</b>	<b>Same as R-4</b>	<b>Same as R-4</b>	<b>50 ft</b>
<b>Item A,1,©,(1)</b>	<b>250 ft</b>	<b>200 ft</b>	<b>20 ft</b>	<b>40 ft</b>	<b>50 ft</b>
<b>Motels 1,000 sq ft of lot area per bedroom</b>	<b>300 ft</b>	<b>25 ft</b>	<b>15 ft</b>	<b>30 ft</b>	<b>50 ft 1 acre minimum</b>
<b>Hotels 20,000 sq ft minimum, 500 sq ft of lot area per bedroom</b>	<b>300 ft</b>	<b>25 ft</b>	<b>1-1½ stories 15 ft 2-2½ stories 18 ft 3 stories 20 ft</b>	<b>30 ft 36 ft 40 ft</b>	<b>50 ft 50 ft 50 ft</b>
<b>All other permitted uses 2-acre minimum. One or more such uses can be placed within the 2 (two) acre minimum provided they conform to Chapter 17. See Chapter 17, Section C for yard requirements and setbacks.</b>					

Table 12-1

B. B-1A Pre-designed Shopping Center District

- 1. Purpose. The purpose of this Article is to permit the establishment of shopping centers, designed to be harmonious with the adjacent area, in accordance with an approved plan.
  - (a) Principal Permitted Uses.
    - (1) Any use or structure permitted and as regulated in the B-1 District except as hereinafter modified.

2. The following provisions shall be complied with when the owner of a tract of land wishes to have his land rezoned to a B-1A District.
  - (a) The owner shall submit to the German Township Zoning Commission for its review a plan for the use and development of such tract of land. The requirements of Chapter 17, Section C shall be complied with.
  - (b) The German Township Zoning Commission shall review the plan with the intent, if the application is approved, of providing a development which will be harmonious with the surrounding area and containing proper arrangements for traffic, parking, and access, and submit its recommendation thereon to the Township Trustees.
  - (c) Following the public hearing of German Township Commission the plan may be modified by a majority vote of the entire Township Trustees.
  - (d) After the Plan has been approved by the Township Trustees and in the course of carrying out this plan, adjustments, or rearrangements of buildings, parking areas, loading areas, entrances, heights, or yards may be requested by the proponents provided such requests conform to the standards established by the approved plan and this zoning resolution. Such adjustments or rearrangements may be authorized by a majority vote of the entire Township Trustees.
  - (e) All Zoning Certificates of Occupancy issued by the Trustees in relation to the development or maintenance of the B-1A District must be issued in conformity with the approved plan. If construction of the area within the B-1A District is not started within two (2) years from the effective date of rezoning, the plan must be resubmitted to the Township Trustees for re-approval.
3. Controlled Outside Storage and Display.

# CHAPTER 13

CHAPTER 13

B-2 COMMUNITY BUSINESS DISTRICT

- A. Purpose. The purpose of this article is to provide land for mercantile or retail establishments and service establishments which serve the day to day convenience, needs and the occasional shopping of occupants of the surrounding area.
1. Principal Permitted Uses.
    - (a) Any use as permitted or allowed in the B-1 District except as hereinafter modified.
  2. Required Conditions.
    - (a) The same as specified in the B-1 District except that the requirements of Chapter 12, Section A, Item 2 (a) are not applicable to this district.
- B. Height Regulations. No structure shall exceed three (3) stories or forty (40) feet, except as provided in Chapter 18, Section B.
- C. Area, Lot Width and Yard Requirements. The following minimum requirements shall be observed, except as modified by the provisions of Chapter 18. Unless otherwise stated the distance between lot line and structures must be a minimum of fifteen (15) feet in all districts.

<b>Lot Area</b>	<b>Lot Width</b>	<b>Front Yard Setback</b>	<b>Each Side Yard</b>	<b>Both Side Yards Total</b>	<b>Rear Yard Setback</b>
<b>Dwellings</b>	<b>Same as in the R-4 District</b>				
<b>Motels 1 acre minimum 1,00 sq ft of lot area per bedroom</b>	<b>300 ft</b>	<b>25 ft</b>	<b>15 ft</b>	<b>30 ft</b>	<b>50 ft</b>
<b>Motels 20,000 sq ft minimum 500 sq ft of lot area per bedroom</b>	<b>300 ft</b>	<b>25 ft</b>	<b>1-1½ Stories 15 ft 2-2½ Stories 18 ft 3 Stories 20 ft</b>	<b>30 ft 36 ft 40 ft</b>	<b>50 ft 50 ft 50 ft</b>
<b>Non Residential Building</b>	<b>300 ft</b>	<b>25 ft</b>	<b>20 ft</b>	<b>40 ft</b>	<b>50 ft</b>

Table 13-1



# CHAPTER 14

## CHAPTER 14

### B-3 GENERAL BUSINESS DISTRICT

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- A. Purpose. The purpose of this Article is to provide land, for general types of business and service establishments which would not be compatible with the uses permitted in B-1 and B-2 Districts, and which would be detrimental to adjoining residential areas unless effectively controlled.
- B. Principal Permitted uses.
1. Any use or structure permitted and as regulated in the B-2 Districts, except as hereinafter modified.
  2. Drive in eating and drinking establishments and summer gardens provided the principal building is distanced at least two hundred (200) feet from any R-District.
  3. Animal hospital, clinic, or kennel, provided any structure or premises used for such purposes shall be distant at least two hundred (200) feet from any R-District and one hundred (100) feet from any B-1 or B-2 District.
  4. Carpenter, sheet metal and sign painting shop, bakery, laundry, wholesale business, storage or warehouse; but not within one hundred (100) feet of any R-District unless the building in which it is located has no openings, other than stationary windows or required fire exits, within said distance and not within fifty (50) feet of any R-District in any case.
  5. Bottling of soft drinks and milk, or distributing stations, provided a building used for such processing and distribution together with loading space shall be at least one hundred (100) feet from any R-District.
  6. The following uses: (1) when conducted wholly within a completely enclosed building, but not within one hundred (100) feet of any R-District unless the building has no openings, other than stationary windows and required fire exits, within said distance or such greater distance as provided below for the particular use, but not within fifty (50) feet of any R-District in any case; or (2) when conducted within an area enclosed on all sides with a solid wall or uniformly painted solid board fence, not less than six (6) feet high, but not within two hundred (200) feet of any R-District or shall be conducted so as not to encroach on neighbors rights.
    - (a) Building material sales yard, not including concrete mixing.
    - (b) Contractor's equipment storage yard or plant, or storage and rental of equipment commonly used by contractors.
    - (c) Trucking and motor freight station or terminal.
    - (d) Retail lumber yard, including mill work only when incidental.
    - (e) Storage and sale of grain, livestock feed or fuel; providing dust is effectively controlled during all operations.
    - (f) Carting, express or hauling establishments, including storage of vehicles.

- (g) Stone or monument works not employing power driven tools; or if employing such tools when only within a completely enclosed building at least one hundred (100) feet from any R-District.

7. Any other use which is of the same general character as above permitted uses.

- C. Required Condition. Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas fumes, noise, vibration, refuse matter or water carried waste.

- D. Regulations for Conditioned and Conditional Uses.

- 1. Procedure.

- (a) The purpose of a Conditional or Conditioned Use is to allow a proper integration into German Township of uses which may only be suitable or controlled in specific locations within certain Zoning District(s) or only if such uses are designed or laid out in a particular manner on the site.
- (b) Applications for Conditional Uses shall be presented to the Zoning Inspector and acted upon by the Board of Zoning Appeals.
- (c) Approval by the Board of Zoning Appeals shall be required for all uses listed as Conditionally Permitted, prior to the issuance of a Zoning Certificate.
- (d) In considering an application for a Conditional Use, the Board of Zoning Appeals must make an affirmative finding that the proposed Conditional Use is to be located in a District wherein such use may be Conditionally Permitted, and that all conditions for approval of Conditional Uses have been met. In doing so, the Board of Zoning Appeals may request proof that the applicable requirements for the Conditional Use have been met.
- (e) The Board of Zoning Appeals shall give due regard to the nature and condition of all adjacent uses and structures and the consistency therewith of the proposed Conditional Use and any potential nuisances.
  - (1) An application for a Conditional Use shall be made to the Zoning Inspector and submitted on such forms as designated and/or approved by the Board of Zoning Appeals. No application shall be considered unless the same is fully completed and accompanied by all required information on said application, as specified in this Chapter.
  - (2) The application, any plans, specifications, and papers pertaining to the application, shall be transmitted by the Zoning Inspector to the Board of Zoning Appeals, who shall cause a public hearing to be held.

- (3) Notice of the application for a Conditional Use and the hearing thereon shall be given to all property owners within two hundred (200) feet of the premises on which the use is planned. Notice shall be given by ordinary mail. In addition thereto one (1) notice of said meeting shall be published in a newspaper of general circulation prior to the scheduled hearing. The Board of Zoning Appeals may, in accordance with its rules, require the giving of additional notice and specify the manner in which the same shall be given. At the hearing, any party may appear in person, or be represented by an attorney.
- (f) The Board of Zoning Appeals shall make its decision within a reasonable time after the hearing. In the event the Board approves the Conditional Use, it may impose such reasonable conditions as it deems necessary to insure that the use will be conducted in the best interest of the Zoning District.
- (g) The Board of Zoning Appeals may revoke approval of a Conditional Use for failure to comply with the conditions of that approval. The Board shall notify the holder of that approval by certified mail of its intent to revoke same and of the holder's right to a hearing before the Board, within thirty (30) days of the receipt of said notice, if he/she so requests. In lieu of said certified mail service, service may be made personally by the Zoning Inspector in which case the hearing shall be requested within thirty (30) days after such service. If the holder requests a hearing, the Board shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person or be represented by his/her attorney or other representative, or he/she may present his/her position in writing. He/she may present evidence and may examine witnesses appearing for or against him/her. If no hearing is requested the Board may revoke approval without a hearing. The authority to revoke approval is in addition to any other means of zoning enforcement provided by law.

2. Contents of Application.

- (a) Each application for a Conditional Use shall contain the following information:
  - (1) The name, address, and telephone number of the applicant;
  - (2) A brief narrative description of the existing use of the property;
  - (3) A description by metes and bounds of the property in question;
  - (4) A statement indicating the zoning of the property;
  - (5) A brief narrative description of the proposed Conditional Use of the property;

- (6) A site plan, drawn at an appropriate scale, showing the following:
  - (i) Base map of the property, indicating all existing and proposed structures, lot lines, general topography, drainage ways, bodies of water, and relationship to adjoining properties;
  - (ii) Locations of the nearest public rights-of-way and locations of all access points to the site, existing or proposed;
  - (iii) Locations of any easements, existing or proposed;
  - (iv) Locations of existing utilities and an indication of intent to provide any utility connections that may be required;
  - (v) Locations of any existing or proposed sidewalks, parking areas, and driveways showing intent to comply with all parking requirements specified by these Regulations;
  - (vi) Proposed treatment of existing topography, drainage-ways, and tree cover ;
  - (vii) Building plans, including floor plans and exterior elevations; and
  - (viii) Proposed landscaping and lighting plans, if applicable;
- (7) A list of all landowners whose property falls within two hundred (200) feet of any point along the boundary of the property in question; and
- (8) Such other information as may be required by the Zoning Inspector or the Board of Zoning Appeals.
- (9) The Zoning Inspector may waive the required submission of subsections (2), (3), and (6) above if he/she feels that their inclusion in any individual application is unnecessary.

3. Required Conditions for Approval.

- (a) The following Sections contain additional required conditions to be met by an applicant for a Conditional Use. In addition to meeting the subsequent required conditions for Conditional Uses, all applicants for Conditional Uses shall be required to fully comply with any and all other applicable provisions of these Regulations, including specifically the requirements of Clark County Zoning Regulations Chapter 8, Sections A and E .

4. Regulations for Adult Entertainment Establishments.

- (a) Zoning District where Conditionally Permitted:
  - (1) B-3
- (b) The establishment shall be a minimum distance of:
  - (1) One thousand (1,000) feet from any "R" District or any lot upon which a residential dwelling is located.

- (2) One thousand (1,000) feet from any school, library, or teaching facility, whether public, private, governmental, or commercial, if such school, library, or teaching facility is attended by persons under eighteen (18) years of age.
  - (3) One thousand (1,000) feet from any park or other recreation facility attended by persons under eighteen (18) years of age.
  - (4) One thousand (1,000) feet from any other adult entertainment establishment.
  - (5) Two thousand (2,000) feet from any two (2) of the following establishments:
    - (i) Cabarets, clubs, or other establishments which feature topless or bottomless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers;
    - (ii) Establishments for the sale of beer or intoxicating liquor for consumption on the premises;
    - (iii) Pawn shops;
    - (iv) Pool or billiard halls;
    - (v) Videogame or pinball arcades, or arty other amusement game arcade; or
    - (vi) Dance halls or discotheques.
    - (vii) Any place that sells, uses, or conveys firearms and/or ammunition.
  - (6) One thousand (1,000) feet from any church, synagogue, or other permanently established place of worship or religious services which is attended by persons less than eighteen (18) years of age.
- (c) No advertisements, displays, or other promotional materials shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other areas public or semi-public.
  - (d) All building openings, entries, windows, etc. shall be located, covered, or serviced 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.
  - (e) No screens, loudspeakers, or sound equipment: shall be used for adult motion picture theaters that can be seen or discerned by the public from public or semi-public areas.
  - (f) Off-street parking shall be provided in accordance with the requirements of Clark County Zoning Regulations Chapter 5, and in an amount equal to that required for a similar Permitted Use, as determined by the Board of Zoning Appeals.

- (g) Subsection (b) above, may be waived by the Board of Zoning Appeals provided that the applicant provides affidavits of fifty-one (51) percent of the property owners and residents within the above described radii, giving their consent to the establishment of the adult entertainment establishment, and if the Board of Zoning Appeals determines:
- (1) That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the intent of this Section will be observed;
  - (2) That the proposed use will not enlarge or encourage the development of a skid row or similar depressed area;
  - (3) That the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any program of urban renewal, residential or commercial reinvestment, or renovation of a historical area; and
  - (4) That all applicable requirements of the Section will be observed.

E. Height Regulations as specified in B-2 District.

F. Area, Lot Width and Yard Requirements. The following minimum requirements shall be observed, except as modified by provisions of Chapter 18 unless otherwise stated the distance between lot line and structures must be a minimum of fifteen (15) feet in all districts.

<b>Lot Area</b>	<b>Lot Width</b>	<b>Front Yard Setback</b>	<b>Each Side Yard</b>	<b>Both Side Yards Total</b>	<b>Rear Yard Setback</b>
<b>Non Residential District</b>	<b>150 ft</b>	<b>25 ft</b>	<b>Minimum of 15 ft each side yard</b>		<b>Same as B-2</b>
<b>Dwelling or Residential parts of non-residential buildings. Same as R-4 District.</b>	<b>Same as R-4</b>	<b>25 ft</b>	<b>Same as R- 4 District</b>		
<b>Hotels and Motels Same as B-2 District</b>	<b>Same as B- 2 District</b>				

Table 14-1

# CHAPTER 15



## CHAPTER 15

### M-1 FIRST INDUSTRIAL DISTRICT

---

A. Purpose. The purpose of this Article is to provide land, for types of manufacturing or other industries which can be permitted in relatively close proximity to residential and commercial districts or which require locations remote from air pollution or other objectionable characteristics of certain other types of industries permitted in the M-2 District.

1. Principal Permitted Uses.

- (a) Any use permitted and as regulated in the B-3 District, except as hereinafter modified.
- (b) Except for uses and processes listed in Chapter 15, Section B prohibited herein, the manufacturing, compounding, processing, packaging, and assembling of products such as:
  - (1) Bakery goods, candy, cosmetics, pharmaceuticals, toiletries, and food products; except fish or meat products, sauerkraut, vinegar, yeast and rendering or refining of fats or oils.
  - (2) Products from the following previously prepared material; bone, canvas, cellophane, cloth, cork, feathers, fiber, fur, glass, hair, horn, leather, paper, plastics, sheet metal, shell, steel, stone, textiles, tobacco, wax, wood, yarns,
  - (3) Pottery and figurines, using previously pulverized clay, and kilns fired only with gas or electricity.
  - (4) Machine Shops.
  - (5) Musical instruments, toys, novelties, rubber or metal stamps and other small rubber products.
  - (6) Electrical and electric appliances, instruments and devices, television sets, radios, phonographs.
  - (7) Electric and neon signs, billboards and other conical advertising structures; light sheet metal products including heating and ventilating equipment, cornices, eaves and the like.
  - (8) Laboratories - experimental, firm, or testing provided no operation shall be conducted or equipment used which would create hazards, noxious or offensive conditions.
- (c) The following uses, when located not less than two hundred (200) feet from any R-District.
  - (1) Flammable liquids, underground storage only, not to exceed 25,000 gallons, meeting EPA and Natural Fire Protection Agency Standards.
  - (2) Building materials, sales yards, including cement, bituminous or asphalt concrete mixing, lumber yards including mill work, open yards for storage and sale of feed and or fuel.

(3) Oil or gas drilling when authorized by the Board of Zoning Appeals and as modified by the Provisions of Chapter 17.

(4) Any other use which is of the same general character as the above permitted uses.

2. Required Conditions.

(a) All uses, except for loading and unloading operations and parking, shall be conducted wholly within a completely enclosed building, provided that uses specified in Chapter 15, Section A, Items l(c) (2) shall not be subject to this provision.

(b) No building customarily used for night operation, such as a bakery or milk bottling and distribution station, shall have any opening, other than stationary windows or required fire exits: within one hundred (100) feet of any R-District, and any space used for loading or unloading commercial vehicles in connection with such an operation shall not be within one hundred (100) feet of any R-District.

B. Prohibited Uses.

1. No land, building or structure in the M-1 District shall be used for dwelling, residence living quarters or other residential use, except where incidental to a permitted use.

2. No use shall be permitted or authorized to be established or maintained which is or may reasonably become hazardous, noxious or offensive, due to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter, or water, or water - carried waste.

C. Height Regulations. Within two hundred (200) feet of any R-District, no structure shall exceed three (3) stories or fifty (50) feet in height, and no structure otherwise shall exceed in height the distance measured to the center line of any street except as provided in Chapter 18 , Section B .

D. Area , Lot Width and Yard Requirements. The following minimum requirements shall be observed, except as modified by provision of Chapter 18. Unless otherwise stated the distance between lot line and structures must be a minimum of fifteen (15) feet in all districts.

<b>Lot Area</b>	<b>Lot Width</b>	<b>Front Yard Setback</b>	<b>Side Yards</b>	<b>Rear Yard Setback</b>
<b>2 acre</b>	<b>250 ft</b>	<b>25 ft</b>	<b>Not less than 25 ft each side yard. Five (5) feet more per each story.</b>	<b>1 Story 30 ft. 2 Story 40 ft. 3 Story 50 ft.</b>

Table 15-1

# CHAPTER 16

## CHAPTER 16

### M-2 SECOND INDUSTRIAL DISTRICT

---

- A. Purpose. The purpose of this Article is to provide land for the types of manufacturing and other industries which normally have characteristics objectionable to residential, commercial and even to certain industrial uses and therefore should be placed at locations remote from residential and certain other districts.
1. Principal permitted uses.
    - (a) Any use permitted in and as regulated in the M-1 District.
    - (b) Any of the following uses, when located not less than three hundred (300) feet from any R-District and not less than one hundred (100) feet from any other district except an M-1 District.
      - (1) Acetylene manufacturing in excess of fifteen (15) pounds pressure per square inch.
      - (2) Acid manufacture, except as specified as a conditional use in Chapter 16, Section B, Item 1.
      - (3) Automobile assembly.
      - (4) Bleaching, cleaning and dyeing plant of large scale production.
      - (5) Boiler shops, structural steel fabricating shops, railway car or locomotive shops, including repair, metal working shops.
      - (6) Brewing or distilling of liquors.
      - (7) Brick, pottery, tile and terra cotta manufacturing.
      - (8) Bulk station including the storage of petroleum products.
      - (9) Candle or sperm oil manufacturing.
      - (10) Coal yards without distance restriction if complying with Chapter 14 in the B-3 District.
      - (11) Cooperage works.
      - (12) Dextrin, starch or glucose manufacturing.
      - (13) Disinfectant, insecticide or poison manufacturing.
      - (14) Dye and dyestuff manufacture.
      - (15) Enameling, lacquering or japanning.
      - (16) Emery cloth or sandpaper manufacture.
      - (17) Pelt manufacturing.

- (18) Flour or grain mill.
- (19) Forge or foundry works.
- (20) Gas-generation or storage for illumination or heating.
- (21) Grain drying or poultry feed manufacturing, from refuse, mash, or grain.
- (22) Hair or hair products manufacturing.
- (23) Lime or lime products manufacturing.
- (24) Linoleum, oil cloth or oiled goods manufacturing.
- (25) Match manufacturing.
- (26) Meat packing; but not stockyards or slaughterhouses, specified as a conditional use in Chapter 16.
- (27) Oil, paint, shellac, turpentine, varnish or enamel manufacturing, or the grinding of colors by machine.
- (28) Paper and pulp manufacturing.
- (29) Perfume manufacturing.
- (30) Pickle, sauerkraut or sausage manufacturing.
- (31) Plaster manufacturing.
- (32) Poultry slaughterhouse, including packing and storage for wholesale.
- (33) Printing ink manufacturing.
- (34) Radium extractions
- (35) Sandblasting or cutting.
- (36) Sawmill, the manufacture of excelsior, wood fiber or sawdust products.
- (37) Sewage disposal plant.
- (38) Shoddy manufacturing.
- (39) Shoe blacking or polishing.
- (40) Soap Manufacturing.
- (41) Steam power plant, except where accessory to permitted principal use.
- (42) Stone and monument works employing power driven tools, without distance restriction if complying with provisions of Chapter 14 for the B-3 District.

- (43) Storage, drying, cleaning of iron, junk, rags, glass, cloth, paper or clipping, including sorting, refining, bailing, wood pulling and scouring.
- (44) Sugar refining.
- (45) Tar or asphalt roofing and water-proofing manufacturing.
- (46) Tar distillation or manufacturing.
- (47) Wire or rod drawing, nut, screw or bolt manufacturing.
- (48) Vinegar manufacturing.
- (49) Yeast manufacturing.
- (50) Any other use which is of a similar character to those specified above.

B. Conditional Uses.

1. Any of the following uses when located not less than three hundred (300) feet from any other district, provided that the best devices and methods of operation available shall be installed, operated and maintained to prevent conditions which may be noxious or offensive to surrounding areas by reason of fumes, dust, smoke, noise or similar features.
  - (a) Ammonia, chlorine, bleaching power manufacture.
  - (b) Animal black, lamp black, bone black or graphite manufacture.
  - (c) Celluloid or pyroxylin manufacturing, or explosive or inflammable cellulose or pyroxylin producers manufacturing or storage.
  - (d) Cement, Lime, Gypsum or Plaster of Paris manufacturing.
  - (e) Crematory.
  - (f) Distillation of coal, petroleum, refuse, grin, wood, or bones, except in the manufacture of gas .
  - (g) Explosive manufacture or storage except for small arms ammunition.
  - (h) Fertilizer, compost manufacture or storage.
  - (i) Fish curing, smoking or packing, fish oil manufacture or refining.
  - (j) Garbage, offal, dead animals, refuse, rancid fats, incineration, reduction or storage.
  - (k) Glue manufacture, size or gelatin manufacture where the process includes the refining or recovery of products from fish, animal refuse or offal.
  - (l) Livestock feeding yard, separate from general farming.
  - (m) Petroleum or inflammable liquids production and refining.

- (n) Rubber, caoutchouc or gutta percha manufacture and treatment from crude or scrap material or the manufacture of balata.
- (o) Slaughtering of animals or stock yards,
- (p) Smelting or non-ferrous ores.
- (q) Storage, curing or tanning of raw, green or salted hides or skins.
- (r) Sulphurous, sulfuric, nitric, picric, or hydro-choloric other corrosive acid manufacture.
- (s) Any other use which in the opinion of the Board is of a similar character to those specified above.

C. Required Conditions.

1. The requirement that certain businesses, services or processing shall be conducted within a completely enclosed building shall not apply to any principal use permitted under Chapter 15, Section A, Item 1 in the M-1 District. Any such use may be conducted in the M-2 District within or without a building or enclosure, subject to any applicable distance limitations set forth in Chapter 15.
2. All junk yards shall be enclosed by a solid board fence or wall not less than six (6) feet high.
3. Unless otherwise stated the distance between lot line and structures must be a minimum of fifteen (15) feet in all districts.

D. Prohibited Uses.

1. Dwellings and residences of any kind including motels and trailer parks and schools, hospitals, clinics and other institutions for human care, except where incidental to a permitted principal use.

# CHAPTER 16.5



CHAPTER 16.5  
“S” SPECIFIC USE CONTROL

=====

There are certain limited circumstances under which the specific use control (S District) may be allowed. The intent is to allow property which is being rezoned to be restricted to one or more uses of a particular zoning district where better control of its use is needed to ensure the health, morals, safety, property, and general welfare of the community. Specific Use control classifies or reclassifies an area in a manner which can not be controlled similarly situated land. All requirements of the identified district and all other general requirements shall apply to the specified use or uses.

A. Procedure.

1. The Specific Use Control may be implemented in the following manner:

- (a) The property owner or lessee or authorized agent may state in the application for rezoning that the property shall be used for one or more specific uses and those uses only.
- (b) The County Planning Commission may state that the property shall be used for one or more specific uses in its recommendation to the German Township Zoning Commission.
- (c) The German Township Zoning Commission may state that the property shall be used for one or more specific uses in its motion which is forwarded to the German Township Board of Trustees.
- (d) The German Township Board of Trustees may state that the property shall be used for one or more specific uses in its motion to rezone said property. If the Trustees denies or modifies the recommendation of the German Township Zoning Commission, a majority vote of the Trustees shall be required.

B. The Specific Use Control is subject to the following:

- 1. If the specific use (or uses) is a Principal Permitted Use of a particular zoning district, the rezoning to that specific use (or Uses) becomes effective thirty (30) days after the date of adoption by the German Township Trustees.
- 2. If the specific use (or uses) is a Conditionally Permitted Use of a particular zoning district, the German Township Zoning Board of Appeals must also approve said use (or uses) as outlined in Chapter 24 of these regulations. The property owner or lessees or authorized agent may apply to the Board of Zoning Appeals for approval of the conditionally Permitted use (or uses) only after the German Township Trustees have acted upon and approved said request.
- 3. The Specific Use control shall be noted on the official Township Zoning Maps by the designation of an “S” immediately following the particular zoning district. (Sample – B-1S, B-3S, M-2S etc.)
- 4. All requirements of the identified District (i.e. frontage, setbacks, etc.) and all other general requirements (i.e. parking, signs, etc.) shall apply to the specified use or uses.

C. Change of Use or Uses.

- 1. If a property owner wishes to change the use or uses on a tract which is designated as “S” (Specific Use), an application for rezoning must be completed and filed which indicates either rezoning for another specific use or uses or rezoning to another zoning district without the S Specific Use Control. If the request is to change from one specific use to another specific use, the appropriate zoning district must be requested. All such requests will be processed in accordance with Chapter 16.5 of these regulations.

# CHAPTER 17

CHAPTER 17  
SPECIAL PROVISIONS

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A. Parking and loading area, public garages, parking lots and filling stations.

1. Purpose. The purpose of this Chapter is to provide special regulations relating to the parking, loading, unloading, storage, and servicing of automotive vehicles to prevent or relieve traffic congestions,
  - (a) Off-street loading space.
  - (b) In any district, in connection with every building or structure hereafter erected for business or industrial use requiring the loading or unloading of material or merchandise there from there shall be provided and maintained on the same lot with such building or structure sufficient loading space to conduct said activity entirely off street. Such space shall include a ten (10) foot by twenty-five (25) foot loading space with a fourteen (14) foot height clearance for every 20,000 square feet or fraction thereof in excess of 3,000 square feet of building floor area.
  - (c) Off-street parking space.
2. Required Automobile Parking Spaces. In all districts, in connection with every industrial, business, institutional, recreational, residential, or any other use, there shall be provided, at the time any building or structure is erected or is enlarged or increased in capacity, off-street parking spaces for automobiles in accordance with the following requirements.
  - (a) Each off-street parking space shall have an area of not less than one hundred sixty (160) square feet exclusive of access drives or aisles and shall be of usable shape and condition. There shall be adequate provision for ingress and egress to all parking spaces. Where a lot does not abut on a public street or alley, or on a private easement or access drive, there shall be provided an access drive of not less than eight (8) feet in width in the case of a dwelling, and not less than eighteen (18) feet in width in all other cases, leading to the parking or storage areas, or loading or unloading spaces, required hereunder, in such a manner as to secure the most appropriate development of the property in question; but, except where provided in connection with a use permitted in an R-District, such easement of access, or access drive, shall not be located in any R-District.
3. Units of Measurements.
  - (a) For the purpose of this Section "floor area" in the case of offices, merchandising, or service types of uses, shall mean the gross floor area used or intended to be used, by tenants; or by services to the public or customers, patrons, clients or patients, including areas occupied by fixtures and equipment used for display or sale of merchandise. It shall not include areas used principally for non-public purposes such as storage, incidental repair, processing, or packaging of merchandise, for show windows, for offices incidental to the management or maintenance of stores, or buildings for toilet or restrooms, for utilities; or for dressing rooms, fitting, or alteration rooms.
  - (b) In hospitals, bassinets shall not be counted as beds.

- (c) In stadiums, sports arenas, churches, and other places of assembly; in which patrons or spectators occupy benches, pews or other similar seating facilities; each twenty (20) inches of seating facilities shall be counted as one seat for the purposes of determining requirements for off-street parking facilities under this Resolution.
  - (d) When units of measurement, determining number of required parking spaces, result in a requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one parking space.
4. Change in Use—Additions and Enlargements. Whenever, in any building, there is change in use, or in an increase in floor area, or other unit of measurement specified hereinafter, for the purpose of determining the number of required off-street parking spaces, and such change or increase creates a need for an increase of more than ten (10) percent in the number of off- street parking spaces, as determined by the requirements in this Chapter, additional off- street parking spaces shall be provided on the basis of the increased requirement of the new use, or on the basis of the increase in floor area, or other unit of measurement. Provided, however, that in case a change of changes in use creates a need for an increase of less than five (5) off-street parking facilities since the effective date of this Resolution, none shall be required.
5. Mixed Use Parking. In the case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses, computed separately, off-street parking facilities for one use, shall not be considered as providing required parking facilities for- any other use.

(a) The number of off-street parking facilities required shall be as set forth in the following:

Automobiles or Machine Sales and Service - 1 for each 800 sq. ft. of floor area.

Banks, Business and Professional offices except medical or dental offices or clinics - 1 for each 400 sq. ft. of floor area.

Bowling Alleys - 5 for each alley plus the necessary space set forth in this Chapter for affiliated uses such as bars, restaurants,, and the like.

Churches and Schools - 1 for each 4 seats in an auditorium or 1 for each 4 seats in places of worship or 1 for each 8 classroom seats, whichever is greater.

Dance Halls and Assembly Halls without fixed seats; Exhibition Halls, except church assembly rooms; in conjunction auditoriums 1 for each 100 sq. ft. of floor area used for assembly or dancing.

Dwellings - 2 for each family or dwelling unit

Funeral Homes, Mortuaries - 1 for each 100 sq. ft. of floor area.

Furniture and Appliance stores, Household Equipment or Furniture Repair Shop, over 1,000 sq. ft. of floor area. - 1 for every 200 sq. ft..

Hospitals – 1 for each 2 beds.

Motels, Hotels, Rooming Houses, Lodging Houses – 1 for each bedroom.

Fraternities and Sororities - 1 for each 3 beds.

Libraries, Museums, or Galleries - 1 for each 200 sq. ft. of floor area.

Manufacturing Plants, Research or Testing Laboratories, Bottling Plants - 1 for each 200 sq. ft. of area.

Medical and Dental Clinics - 1 for each 200 sq. ft. of floor area.

Restaurants, Beer Parlors, and Night Clubs - 1 for each 200 sq. ft. of floor area.

Retail Stores, Shops, etc. - 1 for each 200 sq. ft. of floor area.

Sanitariums, Convalescent Homes, Homes for the Aged, Children's Homes. - 1 for each 3 beds.

Sports Arenas, Auditoriums, Theaters, Assembly Halls - 1 for each 4 seats.

Wholesale Establishments or Warehouses. - 1 for each 1,000 sq. ft. of floor area.

In the case of a use not specifically mentioned above, the requirements for off-street parking facilities for a use which is so mentioned and to which said use is similar, as determined by the Board of Appeals, shall apply.

6. The Board of Appeals may authorize a modification, reduction, or waiver of the foregoing requirements if it should find that in the particular cases appealed, the peculiar nature of the residential, business, trade, industrial, or other use, or the exceptional shape or size of the real estate or other exceptional situation or condition, should justify such modification, reduction, or waiver.
7. Restricted Business or Industrial Accessory Parking Areas. The Board of Appeals may authorize, as a conditional use, the establishment and operation of any off-street parking area in such parts of any A-District or R-District, that abut at least fifty (50) feet, either directly or across an alley, a B-District or M-District, subject to the following conditions and requirements.
  - (a) The parking lot shall be accessory to and for use only in connection with one or more business or industrial establishments located in an adjoining B- District or M- District, and for no others use whatsoever.
  - (b) Each entrance and exit to and from such parking lot shall be at least twenty (20) feet distant from any adjacent property located in any R-District.
  - (c) The parking lot shall be subject to any condition or requirements, in respect to development, maintenance and operation, which the Board deems necessary or desirable for the protection of adjacent property of the public interest.
  - (d) No sign of any kind, other than designating entrances, exits and conditions of use, shall be maintained on such parking lot.

8. No person, being the owner or occupant of any premises not zoned for a junk or automobile salvage yard, shall leave a motor vehicle parked or permit it to remain standing thereon for a period in excess of thirty (30) days, when such motor vehicle shall not be in operating condition, or which shall have no market value except for salvage or junk purposes and which does not bear a current registration plate.
  - (a) Nothing herein shall prohibit the parking of an inoperable or unlicensed motor vehicle in a private garage or on any business premises used for (1) the sale of new and/or used motor vehicles, or used for (2) the repair of motor vehicles.
  - (b) The parking or standing of two or more motor vehicles without current registration plates thereon on any premises shall be prima-facie evidence of use of the premises for a junk yard.

B. Trailers, Boats, Mobile Homes and Campers.

1. The parking, storage, or use of trailers, boats, and mobile homes shall be limited to the following:
  - (a) No Person shall occupy any trailer or mobile home as a residence in any district outside an approved mobile home park or trailer court, except as a temporary residence during the construction of a home for a period not to exceed two (2) years.
  - (b) No mobile home may be stored, or parked in any district outside an approved mobile home park or trailer court.
2. All required conditions of distance, height regulations, areas, lot width and yard requirements of the pertinent district must be met.
3. No trailer classed as a recreation vehicle, or boat may be stored or parked in any required front yard of any residential district.
4. Trailers and/or boats may be stored within an enclosed building in any district.
5. A camping trailer, pick-up camper, coach camper, utility trailer or boat on a trailer, not including mobile homes, may be stored in the rear yard of any A-District or R-District so long as no living quarters, business or other use is maintained therein.
6. Camping trailers, pick-up campers, coach campers, utility trailers, boats, or mobile homes may be stored or displayed for sale in any B-District or M-District.
7. Mobile Home Parks shall be permitted in any R-5 District so long as all of the provisions of Chapter 17, Section B, Item 8 are met and the Mobile Home is located in a Mobile Home Park.
8. Mobile Home Parks shall be permitted as regulated hereinafter.

9. The development of any land for mobile home parks shall be preceded by the submission of the proposed plan to the Zoning Commission. Their approval shall take into consideration the recommendations of the County Sanitary Engineer, County Engineer, County Planning Commission and any other considerations deemed necessary.
10. Development and Internal Requirements of the park shall be:
  - (a) Each mobile home park zoned R-5 shall contain a minimum of five (5) acres with space for at least twenty-five (25) mobile home units.
  - (b) All mobile home parks shall provide adequate public sewer and water facilities as approved by the State and County Health Officials.
  - (c) All internal drives shall maintain a free width exclusive of parking of twenty (20) feet with a forty (40) foot inside radius on all curves.
  - (d) Curb and gutters shall be provided on all internal drives.
  - (e) Continuous sidewalks at least three (3) feet wide shall be provided along all internal drives used on site frontage except along dead-end drives less than six hundred (600) feet long.
  - (f) Each mobile home site shall be provided with, at least two parking spaces of ten (10) feet width by twenty (20) feet long.
11. Mobile Home Site Requirements.
  - (a) Each mobile home shall be located on a site having a minimum of twenty (20) feet frontage on an internal drive and such site shall contain at least five thousand (5,000) square feet of land area.
  - (b) Each mobile home site shall be provided with an adequate foundation as approved by the County Building Inspector.
12. Mobile Home Location
  - (a) No trailer or accessory service building shall be located within forty (40) feet of any public street.
  - (b) No trailer or accessory service building shall be located within fifteen (15) feet of any internal driveway.
  - (c) No trailer or accessory service building shall be located within fifteen (15) feet of any internal driveway, side site or plot line.
  - (d) Each trailer or attachment thereto shall be maintained with a minimum distance of twenty (20) feet between any other trailer or attachment thereto.
  - (e) No trailer or attachment thereto shall be permitted within forty (40) feet of any service building.
  - (f) No trailer shall be located within forty (40) feet of any other zoning district.

- (g) Each trailer shall be equipped and maintained with a skirt of rigid material around the base, covering all of the under-carriage and running gear.

13. Prohibited uses.

- (a) No mobile home shall be used for any purpose other than single family residential, except as provided in Chapter 6, Section T, Item 2(a).

C. Shopping Center.

1. The following regulations shall apply to the B-1 Shopping Center District.

- (a) Yards: No building shall be less than forty (40) feet distant from any boundary of the tract on which the shopping center is located. The center shall be permanently screened from all adjoining properties located in any R-District, and except for necessary entrances and exits, from all properties located across the street and within one hundred (100) feet from such center of any R-District, by a solid wall or compact evergreen hedge not less than four (4) or over six (6) feet in height. Such wall or hedge shall be placed at least five (5) feet from the property line, and the space between such property line and the wall or hedge shall be properly and permanently landscaped and properly maintained, provided a sight distance in each direction of not less than two hundred fifty (250) feet shall be maintained at points of vehicular ingress and egress.

- (b) Tract Coverage: The ground area occupied by all the buildings shall not exceed in the aggregate twenty-five (25) percent of the total area of the lot or tract.

D. Commercial Mines, Quarries, Sand and Gravel Pits.

1. Any owner, lessee, or other person, firm or corporation having an interest in mineral lands may file with the Board of Zoning Appeals an application for authorization to mine and refine minerals there from, provided, however, that he shall comply with all requirements of the district in which said property is located, and with the following additional requirements.

- (a) No quarrying operation shall be carried on or any stock pile placed closer than fifty (50) feet to any property line, or such greater distance as specified by the Board where such is deemed necessary for the protection of adjacent property; provided that this distance requirement may be reduced to twenty-five (25) feet by written consent of the owner or owners of abutting property.

- (b) In the event that the site of the mining or quarrying operation is adjacent to the right of way of any public street or road, no part of such operation shall take place closer than fifty (50) feet to the nearest line of such right of way except as provided by section 4153.11 of the Revised Code of Ohio.

- (c) Fencing or other suitable barrier shall be erected and maintained around the entire site or portions thereof where, in the opinion of the Board such fencing or barrier is necessary for the protection of the public safety and shall be of a type specified by the Board.

- (d) All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise and vibration. Access roads shall be maintained in dust free condition by surfacing or other treatment as may be specified by the Township Trustees.



2. An application for such operation shall set forth the following information: (a) name of the owner or owners of land from which removal is to be made; (b) name of the applicant making request for such a permit, and any parent company of any subsidiary company making such application; (c) name of the person or corporation conducting the actual removal operation; (d) location, description and size of the area from which the removal is to be made; (e) location of processing plant used; (f) type of resources or materials to be removed; (g) proposed method or removal and whether or not blasting or other use of explosives will be required; (h) description of equipment to be used; (i) method of rehabilitation and reclamation of the mine area.
3. Applications shall be submitted, and hearings shall be conducted in the manner set forth in Chapter 24 for Conditional Uses.
4. Commencing with the 180th day after operations have ceased at any mine, quarry or gravel pit, each day the following paragraphs have not been complied with by the applicant will be considered a separate violation of this Resolution.
  - (a) All excavation shall be made either to a water producing depth, such depth to be not less than five (5) feet below the water mark, or shall be graded or back-filled with non-noxious, non-flammable and non-combustible solids, to secure (1) that the excavated area shall not collect and permit to remain therein stagnant water; or (2) that the surface of such area which is not permanently submerged is graded or back-filled as necessary so as to reduce the peaks and depressions thereof so as to produce a gently running surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area.
  - (b) The banks of all excavations not backfilled shall be sloped to the water line at a slope which shall not be less than three (3) feet horizontal to one (1) foot vertical and said bank shall be restored with vegetation in a manner set forth in paragraph there hereunder.
  - (c) Vegetation shall be restored by appropriate seeding of grasses or planting of shrubs or trees in all parts of said mining area where such area is not to be submerged under water as herein-above provided.
  - (d) All equipment used in said operation shall be removed.
5. Commercial mines, quarries, sand and gravel pits in existence prior to the adoption of this Resolution need not obtain authorization from the Board of Zoning Appeals to continue operations. Commercial lines, quarries, sand and gravel pits which terminate such land use after the adoption of this resolution shall comply with Chapter 17, Section D, Item 4; and Chapter 6, Section F and related sections.

E Swimming Pools.

Any public or commercial swimming pool shall be located at least four hundred (400) feet from all property lines of the premises on which it is located unless it is completely surrounded by a fence, wall or other barrier adequate to prevent entrance by children.

F. Oil and Gas Wells.

In the A-1, M-1 and M-2 Districts a well may be drilled for the exploration for, or production of natural oil or gas as conditional use, subject to approval by the Board.

1. An application for a drilling permit shall be filed with the Zoning Inspector setting forth:
  - (a) The location of the proposed well on a map of readable form.
  - (b) The location of all property lines bordering the proposed well site.
  - (c) The location and use of each structure within three hundred (300) feet of the proposed well site.
  - (d) The location of all underground public and private utility or drainage lines or facilities within one hundred (100) feet of the proposed well site.
  - (e) The location of all public easements and right-of-way within three hundred (300) feet of the proposed well site.
2. The Board shall require the following standards:
  - (a) No well shall be located within two hundred (200) feet of any lot in any R-District.
  - (b) No well shall be located within fifty (50) feet of any property line except as allowed under the provisions of voluntary pooling as set forth by the regulations of the Department of Industrial Relations Division of Mines.
  - (c) No well shall be located within three hundred (300) feet of any school, church, hospital or other structure used for public assembly.
  - (d) Other fire, health, and safety standards shall be reviewed and a determination made that, as set forth in the drilling permit or as conditions to its approval, adequate precautions have been provided. Such conditions may control the hours of operation of such drilling operations, the mode of transportation used at the well site, the location and type of waste disposal pits or tanks, the location and type of disposal of waste gases, the location and housing of proposed internal combustion towers, the location and size of electric lights, the protection of the site from the public view and any other reasonable standards related to the protection of the public health, safety and welfare according to State Fire and Health Standards and Code.
3. If during the drilling operation, the conditions set forth in the drilling permit application or the conditions set forth by the Board prior to its approval are violated, the Zoning Inspector shall report such actions to the Board which, if it concurs, may cancel the permit. If said permit is canceled as aforesaid and any drilling operations are continued thereafter, the same shall be a violation of the zoning regulations and subject to the penalties as provided herein under Chapter 23, and in section 303.99 of the Revised Code of Ohio.

4. The Board may determine the amount of time for which a permit is valid, but in no case shall a permit exceed twenty-four (24) months. Before a permit becomes invalid, the applicant shall submit either:
  - (a) A well closing report stating the manner in which the well has been abandoned and sealed which must be accepted by the Board and Township Trustees which shall demonstrate that the site has been restored to its previous condition insofar as such is desirable and possible and the well sealed so as to be impervious through the level of the water table, or;
  - (b) A well production plan enlarging upon and supplementing the Drilling Permit Application in regard to the proposed location and character of pumps and pump housing, the proposed location of storage tanks, their size and type, the proposed landscaping, fencing and screening of the well site and the proposed location, size and pressure of underground pipes or lines, all of which shall be subject to approval by the Board on the basis of being compatible with the vicinity.

G. Regulations for Factory-Built Housing in Districts Other Than The Residential Manufactured Home Park District:

Any factory-built housing proposed to be located in any district shall comply with the following requirements:

1. With application, manufactured plans and documentation shall be submitted for review. All manufactured homes shall have HUD approval.
2. Zoning Districts where conditionally permitted:
  - (a) A-1 Agricultural District
  - (b) R-1 Suburban Residence District
  - (c) R-1A Planned Intermediate Residence District
  - (d) R-2 Single Family District
  - (e) R-3 Two Family District
  - (f) R-4 Multiple Family Residence District
  - (g) R-5 Multiple Family Mobile Home Park District
3. The structure shall be installed upon and properly attached to a foundation system that provides adequate support of the structure's vertical and horizontal loads and transfers these and other imposed forces, without failure, from the structure to the undisturbed ground below the frost line.
4. All hitches, axles, wheels, and conveyance mechanisms shall be removed from the structure.
5. The sitting of the structure shall comply with all other requirements in effect for the district for which it is proposed.

6. Single-wide manufactured units are not permitted.
7. Aesthetic and compatibility requirements:
  - (a) Roof Pitch: Pitch requirements entailing four- (4) inch vertical rise or more for each twelve (12) inches of horizontal run.
  - (b) Roof Overhang: Minimum overhang of over six (6) inches, except on gable ends, or where approved, decks, or certain accessories are attached.
  - (c) Roof Material: wood shingle, wood shake, synthetic or composite shingle, ceramic tile, concrete tile, and asphalt or fiberglass shingle. (No corrugated metal or fiberglass).
  - (d) Exterior Siding: One or a combination of materials such as brick, stone, stucco, clapboard or clapboard simulated vinyl or metal, wood shingles, shakes or similar material (no smooth, ribbed, or corrugated metal, fiberglass or plastic); siding must extend to the top of the foundation.
  - (e) Structure Size: Minimum living floor area shall be twelve hundred (1200) square feet.

#### H. Windmills

1. Any owner, lessee, or other person, firm or corporation having an interest in Windmills and/or Wind turbines used for a commercial use and/or connected utility power grid must apply to the Zoning Board of Appeals for a conditional use permit. Applications shall be submitted, and a hearing shall be conducted in the manner set forth in Chapter 24 for conditional Uses.

#### I. Kennels

1. See Chapter 22 Animal Hospitals Veterinary Clinics, and Kennels.

# **CHAPTER 17.5**

CHAPTER 17.5  
REGULATIONS FOR SANITARY LANDFILLS

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1. A sanitary landfill is any land where solid waste is stored on the ground, in a depression in the ground, or in a cave, tunnel or subterranean cavern.
2. The zoning districts in which sanitary landfills are permitted as a conditional use are industrial districts.
3. An applicant for a conditional use permit for a sanitary landfill must obtain all permits and operating licenses required by law to be issued by the Ohio Department of Health, the County Department of Health, or the Ohio Environmental Protection Agency, and must be operated in accordance with all applicable state, county and federal regulations and laws. A condition of a conditional use permit for a sanitary landfill is that the operator of the sanitary landfill consistently maintains licenses and permits in good standing and consistently complies with all state, county and federal regulations. The failure to consistently maintain all applicable operating licenses and permits and consistently comply with applicable state, county and federal laws and regulations for the operation of a sanitary landfill, shall constitute a waiver on the part of the operator to continue the operation of a sanitary landfill. The zoning inspector who determines that, in fact, the operator of a sanitary landfill has failed to maintain in good standing all required permits and operating licenses from the Ohio Department of Health, the County Health Department and the Ohio Environmental Protection Agency, or from any other agency with jurisdiction, or has failed to operate the sanitary landfill in accordance with the requirements of all state, county and federal regulations and laws, shall issue to the operator an order to stop operations because of the failure to comply with applicable conditions to the operation of the sanitary landfill.
4. The sanitary landfill shall have access to hard surface state highway, hard surface county road, or hard surface township road that is regularly maintained and the road network that services the sanitary landfill shall have the carrying capacity to carry the traffic foresee ably expected to be generated by the operation of the sanitary landfill, without creating hazardous congestion in the road network and without upgrade or expansion of the road network because of truck traffic generated by the sanitary landfill .
5. The sanitary landfill shall be a minimum distance of:
  - (a) One thousand (1,000) feet from any highway frontage;
  - (b) One thousand five hundred (1,500) feet from any residence;
  - (c) One thousand (1,000) feet from any park district; and
  - (d) Five thousand (5,000) feet from any public well field.
6. The sanitary landfill shall be screened and fenced with a fence that is at least six (6) feet in height and solid enough to prevent trash and litter from being blown off the sanitary landfill into the environment of the sanitary landfill.
7. No landfill shall exceed fifty (50) feet in height above the grade level as identified when the sanitary landfill is commenced to be operated.

8. The following minimum standards shall apply to all sanitary landfills:
- (a) Fire and Explosion Hazards: There shall be no storage of flammable or explosive materials and there shall be no open burning at the sanitary landfills.
  - (b) Air Pollution: The sanitary landfill shall not emit any air pollutants in violation of the statutes or regulations of the United States or of the State of Ohio that relate to air pollution.
  - (c) Glare, Heat, and Exterior Light: Any operation at the sanitary landfill that involves intense light or heat shall be performed within an enclosed building and shall not be visible beyond the property line of the owner of the sanitary landfill. No exterior lighting shall be positioned so as to extend light or glare onto properties adjacent to properties owned by the operator of the sanitary landfill.
  - (d) Dust and Erosion: Dust or soot shall be minimized through the landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the property owned by the operator of the sanitary landfill.
  - (e) Liquid or Solid Waste Discharge: No discharge at any point shall be made by the sanitary landfill into any public sewer, private sewage disposal system, stream, or into or on the ground of any materials of such nature or temperature that can contaminate any water supply or interfere with the bacterial process in sewage treatment.
  - (f) Vibrations and Noise: No sanitary landfill will be operated in such a way as to produce intense, earthshaking vibrations which are discernible without instruments at the property line or beyond the property line of the property owned by the operator of the sanitary landfill. No noise shall be emitted by the sanitary landfill in excess of ninety (90) decibels.
  - (g) Odors: A sanitary landfill shall not be operated in such a way as to produce continuous, frequent or repetitive odors or odor-causing substances in such concentrations as to be readily perceptible at any point at or beyond the property line of the owner of the sanitary landfill.
  - (h) Toxic Materials: No emission of toxic or noxious matter whether as a solid or as a fluid, which is injurious to the human health, comfort, or enjoyment of life and property or plant or animal life, shall be permitted by the operator of the sanitary landfill. Where such emissions could be produced as a result of accident or equipment malfunction, the operator of the sanitary landfill shall put in place safeguards to insure the safe operation without the emission of toxic or noxious matter.
  - (i) Groundwater Contamination: The sanitary landfill shall be operated in such a way as to not contaminate groundwater.

# CHAPTER 18



## CHAPTER 18

### EXCEPTIONS AND MODIFICATIONS

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The requirements and regulations specified herein before in this Resolution shall be subject to the following exceptions, modifications and interpretations.

- A. Existing Lots of Record. In any district where dwellings are among the principal permitted uses, a one-family detached dwelling no greater in height than one and one half (1 ½ ) stories may be erected on any lot of official record at the effective date of this Resolution, except as set forth in Chapter 6 irrespective of its area or width, the owner of which does not own any adjoining property; provided
1. That such lot complies with the frontage requirements of Chapter 6, Section O.
  2. In no case shall the width of any side yard be less than ten (10) percent of the width of the lot, and provided, that on a corner lot, the width of the side yard adjoining the side street lot line shall not be less than eight (8) feet or twenty (20) percent of the frontage whichever is the greater.
  3. The depth of the rear yard of any such lot need not exceed twenty (20) percent of the depth of the lot, but in no case shall it be less than ten (10) feet.
- B. Height Limits. Height limitations stipulated elsewhere in this Resolution shall not apply:
1. To barns, silos or other farm buildings or structures on farms, to church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, observation towers, transmission towers, windmills, chimneys, smokestacks, flagpoles, radio towers, masts, aerials, and any machinery or commercial mines, quarries, and gravel pits. To parapet walls extending not more than four (4) feet above the limiting height of the building.
  2. To places of public assembly in churches, schools and other permitted public and semi-public buildings, provided that these are located on the first floor of such buildings and provided that, for each three (3) feet by which the height of such a building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.
  3. To bulkheads, elevator penthouses, water tanks, monitors and scenery lofts, provided no linear dimension of any such structure exceeds fifty (50) percent of the corresponding street lot line frontage; or to towers and monuments, fire towers, hose towers, cooling towers, grain elevators, gas holders or other structures, where the manufacturing process requires a greater height. Provided, however, that all such structures above the heights otherwise permitted in the district shall not occupy more than twenty-five (25) percent of the area of the lot and shall be distant not less than fifty (50) feet in all parts from every lot line not a street line.
- C. Area Requirements.
1. Where neither public water supply system nor public sanitary sewer is accessible the minimum lot area and frontage shall be forty three thousand five hundred and sixty (43,560) square feet and one hundred fifty (150) feet of width as the required frontage yard depth respectively, except in zoning districts where the area frontage requirements are greater in which case the most restrictive requirements shall govern.

2. Where either a public water supply system or a public sanitary sewer is accessible and is installed the minimum lot area and frontage requirements shall be sixteen thousand (16,000) square feet and eighty (80) feet of width at the required front yard depth respectively, except in zoning districts where the area or frontage requirements are greater in which case the most restrictive requirements shall govern.
3. Where both public water supply system and public sanitary sewer is accessible and is installed the minimum lot area and frontage requirements shall be seven thousand five hundred (7,500) square feet and sixty (60) feet of width at the required front yard depth respectively, except in zoning districts where the area or frontage requirements are greater in which case the most restrictive requirements shall govern.
4. Provided, however, that no zoning permit shall be issued for any lot which is not provided with public water supply or public sanitary sewer unless the Board of Health has certified that the area and width of the lot are satisfactory for the proposed use under conditions of soil, drainage and topography found on such lot. Based on such conditions the Board of Health may require greater lot areas or widths than those specified herein.

5. Front Yard Modifications.

- (a) In any R-District, where the average depth of at least two (2) existing front yards on lots within one hundred (100) feet of the lot in question and within the same block front is less or greater than the least front yard depth elsewhere in this Resolution, the required depth of the front yard on such lot shall be modified. In such case, the front yard depth shall not be less than the average depth of existing front yards on the two (2) lots immediately adjoining, or, in the case of a corner lot, the depth of the front yard on the lot immediately adjoining; provided, however, that the depth of a front yard on any lot shall be at least ten (10) feet and not to exceed fifty (50) feet.

6. Double Frontage Lots. Buildings on lots having frontage on two non-intersection streets need not have a rear yard if an equivalent open space is provided on the lot in lieu of such required rear yard; applicable front yards must be provided, however, on both streets.

7. Rear and Side Yards-How Computed. In computing the depth of a rear yard or the width of a side yard, where the rear or side yard abuts an alley, one-half (1/2) of the width of the alley may be included as a portion of the required rear or side yard, as the case may be.

(a) Side Yard Modifications.

- (1) Each side yard shall be increased in width, by two (2) inches in any R-District for each foot by which the length of the side wall of the building, adjacent to the side yard, exceeds forty (40) feet.
- (2) Side yard width may be varied where the side wall of a building is not parallel with the side lot line or is broken or otherwise irregular. In such case the average width of the side yard shall not be less than the otherwise required least width.

- (3) Width of one side yard may be reduced when authorized by the Board, in the case of a one-family dwelling, to a width not less than three (3) feet; provided the sum of the widths of the two side yards is not less than the required minimum, and provided the distance between the proposed dwelling and another dwelling, existing or proposed, on an adjacent lot is not less than the required minimum sum of the widths of two side yards. Such reduction may be authorized only when the Board finds it to be warranted by the location of existing buildings or conducive to the desirable development of two or more lots.
- (4) A side yard along the side street lot line of a corner lot, which lot abuts in the rear, either directly or across an alley, the side lot line of another lot in a R-District, shall have a width of not less than one-half (1/2) the required depth of the front yard on such other lot fronting the side street.

(b) Projections into Required Yards.

- (1) Certain architectural features may project into required yards or courts as follows:
- (2) Into any required front yard, or required, side yard adjoining a side street lot line.
  - (i) Cornices, canopies, eaves or other architectural features may project a distance not exceeding two (2) feet six (6) inches.
  - (ii) Fire escapes may project a distance not exceeding four (4) feet six (6) inches.
  - (iii) An uncovered stair and necessary landings may project a distance not to exceed six (6) feet, provided such stair and landing shall not extend above the entrance floor of the building except for a railing not exceeding three (3) feet in height.
  - (iv) Bay windows, balconies and chimneys may project a distance not exceeding three (3) feet, provided that such features do not occupy, in the aggregate, more than one-third (1/3) of the length of the building wall on which they are located.
- (3) Subject to the limitations in Chapter 18, Section C, Item 7 (b) (2) the above named features may project into any required side yard adjoining an interior side lot line, a distance not to exceed one fifth (1/5) of the required least width of such, side yard, but not exceeding three (3) feet in any case.
- (4) Subject to the limitation in Chapter 18, Section C, Item 7 (b) (2) the features named therein may project into any required rear yards or into any required outer court the same distance they are permitted to project into a front yard.

8. Lot Width Modifications. In all districts where the lot width requirement exceeds ninety-six (96) feet such requirement may be reduced to ninety six (96) feet if the lot involved fronts a cul-de-sac. A cul-de-sac is that portion of a dead end road which is located at the opposite end of a road from the outlet and is formed by a circle, the diameter of which is greater than the road right-of-way. The purpose of the cul-de-sac is to permit ease in reversing vehicular direction.
9. Unless otherwise stated the distance between lot line and structures must be a minimum of fifteen (15) feet in all districts.

# CHAPTER 19

## CHAPTER 19

### SIGN AND BILLBOARD RESOLUTIONS

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- A. Permitted Signs for Which No Certificate is Required: The following signs shall be permitted in the unincorporated area of German Township that is subject to these Zoning Regulations, according to the following regulations. No Zoning Certificate shall be required for any sign constructed or erected under the terms of this Section.
1. Signs for Sale, Lease, or Rent of the premises on which the sign is located: Not more than two (2) signs shall be displayed on any lot or parcel. Such signs shall not be illuminated and shall not exceed six (6) square feet of area per side in any R District and thirty two (32) square feet of area per side in all other districts with not more than two (2) sides, or signs of the same size identifying the builder or contractor. All such signs shall be removed within thirty (30) days after occupancy.
  2. Vehicular Signs: Directional or other incidental signs pertaining to vehicular or pedestrian control on private property shall be permitted provided that said signs are located outside the right-of-way of any public street or road, do not exceed two (2) square feet of area per side, and do not interfere or obstruct visibility when entering or leaving said property.
  3. Temporary Signs : Regardless of their nature, temporary signs shall not exceed sixteen (16) square feet of sign area per side and are limited to display for a period no longer than 90 days: 60 days in advance of an event, and 30 days after the event. After that time, the temporary sign must be removed or replaced. Temporary signs that are not replaced or removed after that time will be considered “abandoned signs” under Section D. 6 of Chapter 19. Provided, however, that such signs shall not be affixed to any pole or post owned by the township or by any public utility nor may such signs be placed upon lands owned by the Township, and that any signs so placed will be removed by the Township and held by the Zoning Inspector. Any such signs which are removed, if not claimed by the owner or other person responsible for the signs within thirty (30) days of removal, will be disposed of by the Township.
  4. Signs approved in Planned Development District: Plans of development, provided that the approved sign is constructed in strict compliance with the approved guidelines.
  5. Farm Signs denoting the name and address of the occupants, denoting produce or products for sale on the owned or operated premises, and denoting membership in organizations. If such sign is located within one hundred (100) feet of any principal building having a greater setback or front yard than required for such District, such sign shall not be erected nearer the road right-of-way than the established building line on such road, but need not exceed a distance of one hundred (100) feet from the established right-of-way line of each such highway or thoroughfare, unless erected on or adjacent to the wall of a building or other structure or in such other manner as not to interfere with or obstruct clear vision of the intersection in any direction. No such billboard or sign shall be permitted which faces the front or side lot line of, or which faces any public square, entrance to any public park, public or parochial school, library, church, or similar institution within three hundred (300) feet thereof. Advertising signs may not exceed thirty two (32) square feet of area per sign and all other signs shall be limited to six (6) square feet in area per side. Any off premise farm sign must follow rules and regulations for off premise signs in Chapter 19, B - 2.

- B. Permitted Signs for Which a Certificate is Required: The following signs shall be permitted in the unincorporated area of German Township that is subject to these Zoning Regulations, according to the following regulations. Zoning Certificate shall be required for any sign constructed or erected under the terms of this Section.
1. Signs for Home Occupations. One (1) on-premise sign per lot shall be permitted for the purpose of announcing a home occupation. Such signs shall not be illuminated and shall not exceed two (2) square feet in area and shall be attached to the dwelling. No off-premise signs shall be permitted.
  2. Off-Premise Signs. Advertising a product or service not located upon the premises on which the sign is located shall be classified as a business use and shall be permitted in all Business Districts, the Industrial District, and/or lands used for agricultural purposes subject to regulations set forth herein.
    - (a) Off-premise signs located adjacent to and intended for primary visibility on any street, road or highway in the unincorporated area of German Township, shall not exceed one sign face with a total of one thousand two hundred (1200) square feet, or two sign faces exceeding a total of one thousand two hundred (1200) square feet on any single lot or location, excluding supports, decorative trim, or other embellishments.
    - (b) Off-premise signs shall conform to all applicable height regulations for the appropriate zoning district, except off-premise signs located along the interstate system may be constructed at a greater height in accordance with the provisions contained in Chapter 5516 of the Ohio Revised Code.
    - (c) No off-premise sign shall be constructed closer than three thousand (3000) feet to another off-premise sign in the unincorporated area of the Township. Off-premise signs along the Interstate System shall have written authorization from the State and be in compliance with both the State and Township sign regulations.
    - (d) Off-premise signs shall not be located closer to the public right-of-way than the established building set-back requirements of the district in which the sign is located.
    - (e) No off-premise sign site shall have more than two (2) displays facing in the same direction of the main travel- way.
    - (f) If the signs are located within the Planned Commercial Development district or are erected pursuant to a Conditional Development Use, the location of said signs must be in strict compliance with the Development Plan or Conditional Use requirements, in addition to any restrictions imposed herein.

3. Commercial Off-premise Temporary Sign shall be reviewed by the Zoning Inspector as to the following criteria:
  - (a) Safety
  - (b) Integrity of the community standards
  - (c) Number of signs proposed, and their locations (not to exceed 5 locations per permit)
  - (d) Number of signs already in the area
  - (e) Conflict with existing signs
  - (f) Size of proposed signs
  - (g) Written permission of the property owner required

The fees for the Commercial Off-Premise Temporary Signs shall be per event, and adjustable, the cost of which will be set by the German Township Trustees. Signs must meet all other designs standards for signs.

4. On-Premise Signs. Free standing, building mounted,, or ground signs identifying or advertising commercial or industrial uses on the premises. If the signs are located within the Planned Commercial Development District or are erected pursuant to a Conditional Use, the location of said signs must be in strict compliance with the Development Plan or Conditional Use requirements, in addition to any restrictions imposed herein.
  - (a) No more than one (1) free standing or ground sign shall be provided for each business use, and in no case shall a lot contain more than three (3) free standing or ground signs.
  - (b) No free standing, ground, or building mounted sign shall have a surface area of greater than one hundred (100) square feet per side.
  - (c) No business, industry, or use shall maintain a gross sign area exceeding three hundred (300) square feet on the premises.
  - (d) Free standing on-premise signs shall not exceed thirty-five (35) feet in height or the height of the principal building in the respective zoning district, whichever is the greater height.
  - (e) Free standing or ground signs shall not be located closer than twelve (12) feet to any existing or proposed street right-of-way, and not closer than thirty (30) feet to any adjoining lot line.
5. Announcement Signs relating to the premises provided they do not exceed four (4) square feet in area in any R-District; provided, however, a church, school, community center or other institutional or public building may have an announcement sign or bulletin board not exceeding thirty-two (32) square feet in area. No such sign shall be closer to a street line than twelve (12) feet unless attached flat to the building.

6. Portable Signs. Portable signs announcing a special event or advertising a product or service shall be considered a temporary use and shall be permitted subject to regulations set forth herein.
    - (a) All signs shall be located in compliance with all state and federal regulations controlling the same.
    - (b) Such signs shall not be permitted for more than a total of ninety (90) days per calendar year.
    - (c) Said signs shall be located outside the right-of-way limits of the road and shall not interfere with the visibility of vehicular traffic either entering or leaving any property or entering, leaving, or operating on any thoroughfare.
    - (d) No illumination device shall be used which causes unnaturally high light levels to be cast upon adjacent residential lots, or which permits the direct beaming of light onto adjacent thoroughfares thereby creating a hazard to vehicular traffic. The lighting requirements contained in Section D, Item 2 of this Chapter shall apply.
    - (e) Said signs are capable of posting and removal without destruction of public or private property.
  7. Any vehicle or trailer may be parked on a business premises or lot for the purpose of the advertising a business, product, service, event, object, location, organization, or the like, no more than fourteen (14) consecutive days with ninety (90) days per calendar year.
  8. Automated, Changeable, Electric, Mechanical Billboards signs whether an on-premise, off-premise, temporary, permanent, or portable shall be reviewed as to safety, conformity to community standards, and conflicts with existing signage by the German Township Zoning Inspector. Signs will be monitored on a continual basis, and the Zoning Inspector shall have the right to remove any advertising found to conflict with the safety, conformity to community standards or conflicts with existing signage. In the event a use is questionable in regards to the above mentioned standards, the Zoning Inspector or the applicant may request a hearing by the Zoning Board of Appeals for a determination as stated in Chapter 24 Section B 5 (a) & (b).
- C. Prohibited signs and Billboards: The following signs shall be prohibited in the unincorporated area of German Township.
1. All signs not specifically permitted by the express tense of these Regulations.
  2. Signs or advertising devices erected and maintained on trees or painted or drawn upon rocks or other natural features.
  3. Signs characterized by flashing lights or air-activated attraction devices, except for signs indicating time and temperature which operate by means of lighting changes alternating on not less than a five (5) second cycle.
  4. Except for identification signs on agricultural buildings, no sign or billboard shall be painted directly upon the wall or roof of any building or structure. This restriction shall not restrict the use of aesthetic graphics such as murals or other illustrative or decorative paintings that are intended as cosmetic devices.
  5. No sign or billboard shall be painted on or attached to any awning, canopy, or balcony. No sign shall be attached to any fence within the right-of-way of any road, and no sign shall be attached to any board or wooden fence regardless of the location without the permission of the owner of the fence.



6. Signs or advertising devices which attempt or appear to attempt to direct the movement of traffic, or which interfere with, imitate, or resemble an official sign, signal, or device.
- D. Design Standards for Signs and Billboards. The following design standards shall apply to all signs and billboards located and erected within the unincorporated area of the Township, regardless of type, style, location, design, or other classification.
1. Location. No sign shall be located within or project over the right-of-way of any public or private road. No sign shall be erected or maintained within six hundred sixty (660) feet of the edge of the right-of-way of a thoroughfare on the interstate or primary highway system without complying with the provisions of Chapter 5516 of the OHIO REVISED CODE, and the regulations promulgated and enforced by the Director of The Ohio Department of Transportation, and the regulations specified herein. No sign in a "B" or "M" District shall face the side of any adjoining lot located in any District unless the sign is located not less than fifty (50) feet from the lot. Said sign or signs shall be located in strict compliance with these Regulations, in strict compliance with the approved Development Plan or restrictions imposed by the Board of Zoning Appeals.
  2. Lighting
    - (a) Signs may be illuminated when such sign does not constitute a public safety or traffic hazard. Where illumination is provided it shall be placed or directed so as not to permit the illumination to be directed or beamed upon adjacent property or public street.
    - (b) No illuminated sign shall be constructed which will interfere with the operation or safety of any traffic control signal.
    - (c) No flashing, rotating, or moving light source shall be permitted, on any sign.
    - (d) All wiring, fittings, and material used in the construction, connection and operation of signs shall be in accordance with the provisions of the Building Code.
  3. Height. No sign shall be erected to a height greater than the maximum permitted height for the District in which the sign is located, except that signs located within six hundred sixty (660) feet of the edge of the right-of-way of a thoroughfare on the interstate highway system may be erected to a greater height, as may be specified by the Director of the Ohio Department of Transportation or his/her authorized representative, in accordance with the provisions contained in Chapter 5516 of the OHIO REVISED CODE.
  4. Sight Interference. No sign shall be permitted which interferes with the visibility of pedestrian or vehicular traffic entering, leaving, or operating on thoroughfares.
  5. Maintenance. All signs or billboards constructed or erected shall be maintained so that all sign surfaces, supports, braces, guys, and anchors shall be kept in repair and in a proper state of preservation by painting or otherwise.

6. Abandoned Signs

- (a) If any sign or billboard shall become abandoned, in the manner defined herein, such a sign or billboard is declared to be a public nuisance by reason that continued lack of use results in lack of reasonable and adequate maintenance, thereby causing deterioration and blighting influence on nearby properties.
- (b) A sign or billboard is abandoned if it meets any one of the following criteria:
  - (1) Any sign or billboard associated with an abandoned non-conforming use.
  - (2) Any sign or billboard that remains after the termination of a business. A business has ceased operations if it is closed to the public for at least one hundred and eighty (180) consecutive days. Seasonal businesses are exempted from this determination.

E. Non-Conforming Signs and Billboards.

- 1. Any sign or billboard in existence within the unincorporated area of the Township prior to the effective date of these Regulations that does not conform with the provisions of this Chapter is considered to be non-conforming.
- 2. Any sign or billboard that does not conform to the provisions of this Chapter shall be allowed to continue its Non-conforming status provided the sign or billboard was erected in compliance in all respects with applicable laws in existence on the date of its erection.
- 3. A Non-conforming sign or billboard shall not be structurally relocated or replaced unless it is brought into compliance with the provisions of this Chapter. Should any replacement or relocation take place without being brought into compliance the sign or billboard shall be existing illegally.
- 4. A Non-conforming sign or billboard shall be maintained or repaired in accordance with the following provisions:
  - (a) The size and structural shape shall not be changed or altered.
  - (b) The copy may be changed provided that the change applies to the original Non-conforming Use associated with the sign or billboard and that the change is made by the owner of the sign or billboard at the time the sign or billboard became Non-conforming; the copy area shall not be enlarged. Any subsequent owner or user shall bring the sign or billboard into compliance.
  - (c) In the case where damage occurs to the sign or billboard to the extent of fifty (50) percent or more of either the structure or the replacement value of the sign or billboard, the sign or billboard shall be brought into compliance. Where the damage to the sign or billboard is less than fifty (50) percent of the structure or its replacement value, the sign or billboard shall be repaired within sixty (60) days.

- F. Certificate Required: No signs, except as provided for in Section A of this Chapter, shall be erected prior to the issuance of a Zoning Certificate by the Township Zoning Inspector.
1. The applicant for a Zoning Certificate herein shall pay such fee as is prescribed by the German Township Trustees.
  2. The Zoning Certificate issued pursuant hereto shall be valid so long as the owner complies with the terms and conditions of these Zoning Regulations or any amendment thereto.
  3. The application for a Zoning Certificate for posting a sign or billboard that is considered Temporary Use shall indicate the name and address of the person charged with removal of the sign or billboard.
  4. All signs and billboards erected within the unincorporated area of the Township are subject to inspection, whether a Zoning Certificate is required or not prior to erection. Such inspection may be made at any reasonable time and the Township Zoning Inspector may order the removal of any sign or billboard that is not maintained in accordance with the provisions of these Regulations.
  5. In the event that the owner of any sign or property fails to comply with the terms of these Zoning Regulations, said permit may be revoked upon compliance with the following terms:
    - (a) The Township Zoning Inspector shall notify the owner of any deficiency or violation of these regulations. Notice shall be served personally or by ordinary mail at the last known address of the permit holder. The permit holder may seek a hearing on said notice by complying with the provisions of Chapter 9 of these Regulations. Failure to correct deficiencies or to appeal the decision of the Zoning Inspector within twenty (20) days will result in cancellation of the permit for such sign and said sign shall then be removed as provided by these Regulations.
  6. The Township Zoning Inspector may effect removal of any sign illegally placed within the right-of-way of any road within the unincorporated area of the Township. The Zoning Inspector shall maintain said sign and shall notify the owner thereof of its location, by ordinary mail. If the owner of any sign fails to claim the same within one hundred eighty (180) days after mailing notice by The Zoning Inspector, said sign may be destroyed.
- G. General Requirements.
1. No projecting sign shall be erected or maintained from the front face of a building a distance of more than two (2) feet, including those projecting from the face of any theater, hotel, or motel marquee.
  2. No sign shall be placed on the roof of any building, except those signs whose supporting structure is screened so the sign appears to be a continuation of the face of the building.
  3. No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices, for more than ninety (90) days per calendar year
  4. No sign of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape.

5. All signs hung or erected shall be marked with the name and the telephone number of the person or firm responsible for maintaining the signs.

H. Governmental Signs Excluded.

1. For the purpose of these regulations, "sign" does not include signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance or governmental regulation.

# CHAPTER 20

## CHAPTER 20

### PLANNED UNIT DEVELOPMENT REGULATIONS

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- A. Purpose: It is the response of these Sections to promote the public health, safety, and welfare by providing for the regulation of planned unit developments. It is the intent of these regulations to provide maximum opportunity for orderly developments which benefit the community as a whole by offering a greater choice of living environments , a wider range of development plans featuring more complementary blending of land uses, to include community facilities and open space, and a more unified approach with respect to the mixture of uses and their adaptation to topographical and geological features, recreational opportunities, and transportation needs.
- B. Definition: "Planned Unit Developments" or "PUD" shall mean an area of land in which a variety of housing types and/or subordinate commercial and industrial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setback, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles, and landscaping plans.
- C. Interpretation: Whenever the requirements of Chapter 20, Sections A through O appear to be in conflict with other Sections of this Ordinance (Resolution) or with those of other existing codes (resolutions), the provisions of this Chapter shall prevail.
- D. PUD District Designation: Subsequent to the approval of the Planning Commission and the Township Trustees, the designation "Planned Unit Development District" may be applied to any residential district, business district, or industrial district. Upon approval of the final development plan, the Official Zoning Map shall be so annotated for the land area affected, and the district name shall be appropriately amended.
- E. Uses Permitted in a PUD District:
1. Residential, commercial, manufacturing, public, and quasi-basic uses may be combined in PUD districts, provided that the proposed location of the commercial or manufacturing uses will not adversely impact upon adjacent property or the public health, safety, and general welfare, and that the location of such uses are specified in the final development plan. Lot area and other yard requirements of the residential, business or industrial districts shall apply as designated by the Planning Commission and Township Trustees, except as modified in Chapter 20, Section I.
  2. The amount of land devoted to commercial and/or manufacturing use in a residential, commercial, or manufacturing development shall be determined by the Commission and approved by the Township Trustees.
- F. Minimum Project Area Requirements:
1. The gross area of a tract of land proposed to be developed in a planned unit development district shall be a minimum of twenty (20) acres, provided, however, that smaller parcels may be considered on the basis of their potential to satisfy the intent of these regulations. In any case wherein the planned unit development proposed contains a mixture of residential uses with commercial and/or manufacturing uses, the Commission may limit the development of not more than fifteen (15) percent of the tract to commercial and/or manufacturing uses.

2. A minimum of twenty (20) percent of the land developed in any planned unit development project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed. The open space shall be disposed of as required in Chapter 20, Section G of this Ordinance (Resolution).
- G. Disposition of Open Space: The required amount of common space land reserved under a planned unit development shall either- be held in corporate ownership by owners of the project area, for the use of each owner who buys property within the development, or be dedicated to a homeowners' association who shall have title to the land which shall be retained as common open space for parks, recreation, and related uses. The legal articles relating to the organization of the homeowners association is subject to review and approval by the Planning Commission and Township Trustees and shall provide adequate provisions for the perpetual care and maintenance of all common areas. Public Utility and similar easements and right-of-ways for water courses and other similar channels are not acceptable for common open space dedication unless such land or right-of-way is usable as a trail or similar purpose and has been approved by the Commission. The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan.
- H. Utility Requirements: Underground utilities, including telephone, cable television, and electrical systems, may be required within the limits of all planned unit developments. Appurtenances to these systems which can be effectively screened may be exempted from this requirement if the Commission finds that such exemption will not violate the intent or character of the proposed planned unit development.
- I. Special PUD Lot Requirements: The lot requirements for planned unit development approved by the Commission may vary from requirements previously prevailing for the district as follows:
1. Lot width and setback and yard requirements may be varied to accommodate a variety of structural patterns, clustering designs, and housing types.
  2. Lot area per dwelling unit requirements may be reduced by not more than twenty (20) percent.
- J. Arrangement of Commercial Uses:
1. When planned unit development districts include commercial and/or manufacturing uses, commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections with streets. Planting screens or fences shall be provided on the perimeter of the commercial and/or manufacturing areas abutting residential areas. The plan of the project shall provide for the  
  
integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding non-commercial areas.
  2. All areas designed for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner as specified by the Commission.

- K. Procedure for Approval of Planned Unit Development Districts: Planned Unit Development Districts shall be approved in accordance with the procedure in Chapter 20, Section K through P. It is the intent of these sections to incorporate the review and approval of development plans with the amendment process under the provisions of Section 519.12, Revised Code of Ohio, as now existing or hereafter amended.
- L. Pre-Application Meeting: The developer shall meet the Zoning Inspector and Zoning Commission prior to the submission of the preliminary development plan. The purpose of this meeting is to discuss early and informally the purpose and effect of this ordinance (Resolution) and the criteria and standards contained herein, and to familiarize the developer with zoning and other applicable regulations.
- M. Preliminary Development Plan Application Requirements:
1. An application for preliminary Planned Unit Development approval shall be filed with the Zoning Inspector by at least one owner of property for which the planned unit development is proposed. At a minimum, the application shall contain the following information filed in triplicate:
    - (a) Name, address, and phone number of applicant;
    - (b) Name, address, and phone number of registered surveyor, registered engineer and/or urban planner assisting in the preparation of the preliminary development plan;
    - (c) Legal description of property;
    - (d) Present use(s);
    - (e) Present and proposed zoning district;
    - (f) Proposed amending Ordinance (Resolution);
    - (g) A vicinity map at a scale approved by the Zoning Inspector showing the property lines, streets existing and the proposed zoning, and such other items as the Zoning Administrator may require;
    - (h) A preliminary development plan at a scale approved by the Zoning Inspector showing topography at ten (10) foot intervals; location and type of residential, commercial, and industrial land uses; layout, dimensions, and names of existing and proposed streets; right-of-ways, utility easements, parks and community spaces; layout and dimensions of lots and building setback lines; preliminary improvement drawings showing water, sewer, drainage, electricity, telephone, and natural gas; and such other characteristics as the Commission may deem necessary;
    - (i) Proposed schedule for the development of the site;
    - (j) Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within two years;
    - (k) A fee as established by Ordinance (Resolution);



- (l) A list containing the names and mailing addresses of all owners of property within two hundred (200) feet of the property in question; including those within, contiguous, and directly across the street from such area as proposed to be included in the PUD.
  - (m) Verification by at least one owner of property that all information in the application is true and correct to the best of his knowledge,
2. The application for preliminary Planned Unit Development shall be accompanied by a written statement by the developer setting forth the reasons why, in his opinion, the planned unit development would be in the public interest and would be consistent with the stated intent of these planned units, development requirements.
- N. Public Access to Proposed PUD Documents. For a period of at least ten (10) days prior to the public hearing by the Zoning Commission, all papers relating to the planned unit development shall be available for public inspection in the office of the Township Trustees.
- O. Criteria for Commission Recommendation:
1. Before making its recommendation, the Zoning Commission shall find that the facts submitted with the application and presented at the public bearing establish that:
    - (a) The proposed development can be initiated within two (2) years of the date of approval.
    - (b) The streets proposed are suitable and adequate to carry anticipated, traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the planned unit development.
    - (c) Any proposed commercial or industrial development can be justified at the location proposed.
    - (d) Any exception from standard district requirements is warranted by design and other amenities incorporated in the final development plan, in accordance with these planned unit development requirements and the need to provide a variety of housing opportunities with regard to type and price.
    - (e) The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
    - (f) The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed.
- P. Public Hearing by Township Trustees: After receiving the recommendation from the Zoning Commission, the Township Trustees shall hold a public hearing on the PUD final development plan within a reasonable time, according to State Law.

# CHAPTER 21

## CHAPTER 21

### PLANNED INDUSTRIAL DISTRICT REGULATIONS

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- A. Purposes: It is the purpose of these Sections to promote the public health, safety and welfare by providing for the creation and regulations to provide maximum opportunity for orderly development by offering and encouraging the development of manufacturing, processing, warehousing, garbage and sewage disposal, sanitary landfills, composting and recycling facilities and other industrial type uses in an overall design concept in order to integrate those uses into, and to insure their compatibility with, their surroundings.
- B. Definition: "Planned Industrial District" or "PID" shall mean an area of land in which industrial facilities and uses can be accommodated in a preplanned environment under appropriate standards.
- C. Minimum Project Area Requirements: The gross area of a tract of land proposed to be developed in Planned Industrial District shall be a minimum of twenty (20) acres, provided, however, that smaller parcels may be considered on the basis of their potential to satisfy the intent of these regulations.
- D. PIP District Designation: Upon the establishment of a Planned Industrial District in accordance with the provisions of Chapter 26 hereof, the Official Zoning Map shall be so annotated "Planned Industrial District" for the land area affected.
- E. Uses Permitted in a PID District: Uses permitted in PID District shall be all permitted uses and conditional or conditionally permitted uses permitted in the M-1, First Industrial District and the M-2, Second Industrial District. The location of such uses shall be specified on the development plan.
- F. Procedure for Approval of Planned Industrial Development Plans: Upon the rezoning of property to the Planned Industrial District classification in accordance with the provisions of Chapter 21 hereof, the Township Trustees may approve a development plan for the property. Development plans shall be approved in accordance with the procedure set forth in the Chapter 21, Sections G through K. If requested by the applicant or property owner, the approval for the development plan may occur simultaneously with the rezoning of the property provided, however, the approval of the rezoning of the property to the Planned Industrial District classification shall be pursuant to Chapter 21 hereof, and the approval of the development plan shall be pursuant to this Chapter 21.
- G. Pre-Application Meeting: The applicant shall meet with the Zoning Inspector prior to the submission of the development plan. The purpose of this meeting is to discuss early and informally the purpose and effect of this (Resolution) and the criteria and standards contained herein, and to familiarize the applicant with zoning and other applicable regulations.
- H. Development Plan Application Requirements:
1. An application for development plan approval shall be filed with the Zoning Inspector by the owner or applicant, At a minimum, the application shall contain the following information field in triplicate:
    - (a) Name, address, and phone number of the owner and applicant;
    - (b) Name, address, and phone number of registered surveyor, registered engineer and/or urban planner, if any, assisting in the preparation of the development plan;
    - (c) Legal description of property;

- (d) Present uses (s);
  - (e) Present zoning district;
  - (f) Proposed amending Resolution, if applicable;
  - (g) A vicinity map at a scale approved by the Zoning Inspector showing the property lines, existing streets and the proposed zoning, if applicable;
  - (h) A development plan shall include a site plan at a scale approved by the Zoning Inspector showing: Topography at ten (10) foot intervals; location of proposed land uses; layout, dimensions, and names of existing and proposed streets; right-of-ways, layout and dimensions of lots and building setback lines; landscaping fronting street right-of-ways , utility easements, parks and community spaces; preliminary improvement drawings showing water, sewer, drainage, electricity, telephone, and natural gas; and such other characteristics as the Trustees may deem necessary;
  - (i) The development plan shall include in text form: a list of uses to be permitted and/or prohibited; the development standards including, but not limited to: parking, building and use setback requirements; height; screening; outdoor lighting; graphics and other standards and restrictions to be imposed on the proposed development and location of buildings;
  - (j) A fee as established by Resolutions;
  - (k) Verification by the applicant and/or owner that all information contained in the application is true and correct to the best of his knowledge.
  - (l) A list containing the names and mailing addresses of all owners of property within two hundred (200) feet of the property in question; including those within, contiguous, and directly across the street from such area as proposed to be included in the PID.
2. The application for development plan approval shall be accompanied by a written statement by the applicant setting forth the reasons why, in his opinion, the development plan would be in the public interest and would be consistent with the stated purpose of the Planned Industrial District requirements.
- I. Public Access to Development Plan Documents: For a period of at least ten (10) days prior to the public hearing on the development plan by the Township Trustees, all papers relating to the development plan approval shall be available for public inspection in the office of the Township Trustees.
- J. Review by Zoning Commission:
- 1. After the development plan is filed with the Township Trustees, the plan shall be sent to the Zoning Commission for review.
  - 2. The Zoning Commission shall recommend approval or denial of the development plan, and may suggest modification and charges to the plan.

- K. Public Hearing by Township Trustees: The Township Trustees shall hold a public hearing on the development plan within thirty (30) days of receipt of the recommendations by the Zoning Commission. Within twenty (20) days after such public hearing the Board shall deny, approve or approve with modifications the development plan. The development approved by the Township Trustees, shall, subject to the terms hereof, establish the uses and the zoning development standards for the development of the property within the Planned Industrial District as specified in the approved development plan. The development plan shall be binding upon the owner and applicant, their successors and assigns, and shall limit and control the issuance or validity of all building permits.
- L. Basis of Approval; The basis of approving the development plan shall be:
1. That the proposed development is consistent in all respects with the purpose, intent and applicable standards of the Zoning Resolutions; and
  2. That the proposed development advances the general welfare of the Township; and
  3. That the benefits of improved arrangement and design of the development justifies deviation from the standard requirements for industrial development included in the Zoning Resolution.
  4. In approving the development plan the Trustees may impose such conditions and restriction, including but not limited to the development standards set forth in Chapter 17.5 and Chapter 20, as the Trustees deem necessary to insure that the development of the property is consistent with the intent of this Resolution.
- M. Interpretation; Whenever the requirements of Chapter 21, Section A through K, appear to be in conflict with other Sections of this Zoning Resolution, including but not limited to Chapter 20 hereof and Chapter 17.5, or with those of other existing codes or resolutions, the provisions of the Chapter shall prevail.

# CHAPTER 22

## CHAPTER 22

### ANIMAL HOSPITALS, VETERINARY CLINICS, AND KENNELS

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A. Permitted locations:

1. Zoning Districts Where Conditionally Permitted:

- (a) A-1 Agricultural District
- (b) B-2 Community Business District

2. Zoning Districts Where Permitted:

- (a) B-3 General Business District
- (b) M-1 First Industrial District

B. Principal Permitted Uses:

- 1. The care of ill and/or injured household animals.
- 2. The overnight boarding of ill and/or injured household animals.
- 3. The overnight boarding of healthy household animals.
- 4. The sale of goods used in the care of household animals.
- 5. The care or overnight boarding of large animals such as horses or cattle is prohibited in any Zoning District except the A-1 District.

C. A solid wood fence or masonry wall six (6) feet high shall be constructed where an animal hospital, veterinary clinic, or kennel is located adjacent to an "R" District.

D. Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon any adjacent property or any adjacent public street.

# CHAPTER 23



## CHAPTER 23

### ENFORCEMENT ZONING APPEALS

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- A. Pursuant to Enforcement by Zoning Inspector: There is hereby established the office of Zoning Inspector. It shall be the duty of the Zoning Inspector to enforce its Resolution in accordance with the provisions hereof. All departments, officials and public employees of Clark County, vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Resolution and shall issue no permit or license for any use, building or purpose in conflict with the provisions of this Resolution. Any permit or license issued in conflict with the provision of this Resolution shall be null and void.
- B. Zoning Certificate of Occupancy, Filing Plans:
1. Application for issuance of the zoning certificate of occupancy required by Chapter 6, Section A shall be made with the Zoning Inspector.
  2. Every application for the zoning certificate of occupancy shall be accompanied by plans showing the actual shape and dimensions of the lot to be built upon or to be changed in use, in whole to be built upon or to be changed in use in whole or in part; the location, size and height of any building or structure to be erected or altered; the existing and intended use of each building or structure or part thereof; the number of families or housekeeping units the building is designed to accommodate; and when no buildings or structure area involved, the location and type or present use and proposed use to be made of the lot; and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Resolution.
  3. No permit for excavation or construction shall be issued by the Zoning Inspector, unless the plans, specifications and the intended use conform to the provision of this Resolution.
  4. In every case where the lot is not provided and is not proposed to be provided with public water supply and/or disposal of sanitary wastes by means of public sewers, the application shall be accompanied by a Certificate of Approval by the Health Officer of Clark County of the proposed method of water supply and/or disposal of sanitary wastes.
- C. Duty of Zoning Inspector: The Zoning Inspector shall act upon all such applications on which he is authorized to act by the provisions of this Resolution within ten (10) workdays after these are filed in full compliance with all the applicable requirements as specified under Chapter 23, Section B. He shall either issue a Zoning Certificate within said ten (10) workdays or shall notify the applicant in writing of his refusal of such Certificate and the reasons therefore. Failure to notify the applicant in case of such refusal within ten (10) workdays shall entitle the applicant to a Zoning Certificate unless the applicant consents to an extension of time. The Zoning Inspector may, if he finds an item in conflict with the intent of the Zoning Regulations, request a hearing with the Zoning of Board of Appeals at no expense to the applicant.

- D. Fees: A fee shall be charged for an original Zoning or Occupancy Certificate applied for in connection with the application for a building permit where such is required and issued under a county building code. The charge shall be subject to change as determined by the Township Trustees.
- E. Violations and Penalties: It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or land violation of any of the provisions of this Resolution, or any amendments or supplement thereto. Whoever violates the provisions of this Resolution or amendments or supplements thereto shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than one hundred dollars (\$100) each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance, or use continues may be deemed a separate offense.
- F. Violations - Remedies: In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, or any land is or is proposed to be used in violation of this Resolution or any amendment or supplement thereto, the Board of Township Trustees, the Prosecuting Attorney of Clark County, the Zoning Inspector, or any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, actions, proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.

# CHAPTER 24

## CHAPTER 24

### BOARD OF ZONING APPEALS

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- A. Pursuant to Section 519.13 of the Revised Code of Ohio, the Township Trustees shall appoint the Board of Zoning Appeals in accordance with the provisions of said section.
1. Said Board shall organize, meet, and act in accordance with the provision of Section 519.15 of the Revised Code of Ohio.
- B. Powers of Board of Zoning Appeals: The Board of Zoning Appeals shall have the following powers in accordance with Section 519.14 of the Revised Code of Ohio:
1. To hear and decide appeals by all owners of record of said property where it is alleged there is error in any order, requirement, decisions, or determination made by an administrative official in the enforcement of Sections 519.1 to 519.25, inclusive, of the Revised Code or of this Resolution adopted pursuant thereto;
  2. To authorize, upon appeal, in specific cases, such variance from the terms of the 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;
  3. To grant conditional zoning certificates for the use of the land, buildings, or other structures for specific uses as provided for the Resolution.
  4. In exercising the above-mentioned powers, such board, may, in conformity with such section, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all powers of the officer from whom the appeal is taken.
  5. Subject to the foregoing, the Board shall have the following specific powers and duties:
    - (a) Interpretation of Zoning Text and Map. Upon appeal from a decision by the Zoning Inspector, the Board shall have the power to decide any question involving the interpretation of the Zoning Text or Map, as set forth hereunder.
    - (b) In case there is question as to the intended meaning of any provision of the zoning text, the Board may interpret its meaning as it applies to a particular property. Before reaching a decision in response to any request therefore, the Board shall obtain the written opinion of The Clark County Prosecutor thereon or Township legal counsel.
    - (c) Where the street or lot layout actually on the ground, or as recorded, differs from the street and lot lines as shown on the zoning map, the Board, after notice of public hearing to the owners of the property abutting shall interpret the map in such a way as to carry out the intent and purpose of this Resolution for the particular section or district in question. In case of any question as to the location of any boundary line between zoning districts, a request for interpretation of the Zoning Map may be made to the Board and a determination shall be made by said Board.

- C. Special Exceptions: Conditional Uses: In considering an application for a special exception, the Board shall give due regard to the nature and condition of adjacent uses and structures, and consistency therewith of the proposed use and development. Before authorizing a use as a special exception, the Board shall determine whether the proposed exception, or use would be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, heat, fire and safety hazards, sewage wastes and pollution, transportation and traffic. The Board may utilize and give recognition to those performance standards which are available in model codes or ordinances, or have been developed by planning, manufacturing, health, architectural and engineering research organizations, and can be applied to the proposed use, to assist it in reaching a fair and objective decision. Upon authorizing a conditional use or exception, the Board may impose such requirements and conditions with respect to location, construction, maintenance, and operation, in addition to expressly stipulated in this Resolution for the particular conditional use or exception, as the Board may deem necessary for the protection of adjacent properties and the public interest. In addition to permitting the special exceptions and conditional uses herein before specified in this Resolution, the Board shall have the power, upon application, to permit the following special exceptions and conditional uses:
1. Extension of Use on Border of District. The extension of a use or building into a more restricted district immediately adjacent thereto under such conditions as will safeguard development in the more restricted district.
- D. Temporary Structures and Uses: The temporary use of a structure or premises in any District for a purpose or use that does not conform to the regulations prescribed elsewhere in this Resolution for the District in which it is located, provided that such use be of a temporary nature and does not involve the erection of a substantial structure. A Zoning Certificate for such use shall be granted in the form of a temporary and revocable permit, for not more than a twelve (12) month period, subject to such conditions as will safeguard the public health, safety, convenience and general welfare.
- E. Conditional Industrial Uses: Permitting of uses in M-2 District as specified in Chapter 16, Section B and permitting in any M-1 District as an accessory use, any use permitted in any M-2 District as a principal use. Permitting the establishment of industrial areas and uses in A-1 Districts subject to the distance requirements established in the M-1 and M-2 Districts or the filing of written waiver thereof by owners of premises located within such minimum distances. In doing so, the Board may require the installation operation and maintenance in connection with the proposed use of such devices or such methods of operation as may, in the opinion of the Board, be reasonably required to prevent or reduce fumes, gas, dust, smoke, odor, water-carried waste, noise, vibration, or similar objectionable features, and impose such conditions regarding the extent of open spaces between such industries or uses and surrounding properties and neighborhoods, Action shall be taken by the Board within thirty (30) days of filing of request unless mutually extended.
- F. Uses Not Listed: Any uses in any district which use is not specifically listed but which; is determined by the Board to be of the same general character as those which are so listed as permitted in such district, but not including any use which is first permitted or is prohibited in the next less restricted district.

- G. Vertical Extension of Existing Building: Permit the extension upward of a building existing at the time of the passage of this Resolution, by the construction of additional stories above the height limit herein prescribed, if the original plans approved by the Inspector of Buildings provided for such additional stories and such buildings were actually designed and constructed to carry such additional stories.
- H. Addition to Existing Building: Permit the erection of any addition to an existing building to the same height as such existing building where such additional is essential to the completion of such building as originally planned.
- I. Procedure for Appeals: Appeals to the Board of Zoning Appeals may be taken by all aggrieved owners of record of said property. Such appeal shall be taken within thirty (30) days after the decision by filing with the Zoning Inspector from whom the appeal is taken with the Board of Zoning Appeals, a notice of appeal specifying the grounds. The Zoning Inspector from whom the appeal is taken shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.
1. The Board of Zoning Appeals shall fix a reasonable time for the public hearing of the appeal, give at least ten (10) days notice in writing to the parties in interest, give notice of such public hearing by one publication in one or more newspapers of general circulation in the Township at least ten (10) days before the date of such hearing and decide the appeal within a reasonable time after it is submitted. Upon hearing, any person may appear in person or by attorney.
  2. The Board of Zoning Appeals may, in accordance with its rules, require the giving of additional notices and specify the manner in which the same shall be given.
- J. Procedure for Variance and Granting Conditional Zoning Certificates: In those cases in which an appeal to the Board for a variance in accordance with the provisions of Chapter 23, Section B is to be made and in those cases where application for the granting of a conditional certificate as herein before specified is to be made, application shall be filed with the Zoning Inspector, who shall transmit the same, together with the plans, specifications and any papers pertaining to the application to the Board.
1. The Board of Zoning Appeals shall fix a reasonable time for a public hearing of the application, give at least ten (10) days notice in writing to the parties in interest, give notice of such public hearing by one publication in one or more newspapers of general circulation in the Township at least ten (10) days before the date of such hearings and decide the appeal within a reasonable time after it is submitted. Upon the hearing, any person may appear in person or by attorney.
  2. The Board of Zoning Appeals may, in accordance with its rules, require the giving of additional notices and specify the manner in which the same shall be given.

**CHAPTER 25**  
**CHAPTER 26**  
**CHAPTER 27**

CHAPTER 25  
AMENDMENTS OR SUPPLEMENTS

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- A. Amendments or supplements to the Resolution shall be made in accordance with the provisions of section 519.12, Revised Code of Ohio, as now existing or hereafter amended.

CHAPTER 26  
VALIDITY AND REPEAL

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- A. Validity: If any article, section, subsection, paragraph, sentence or phrase of this Resolution is for any reason held to be invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Resolution.
- B. Repeal: The repeal of a plan of Township zoning in any Township shall be governed by Section 519.25 of the Revised Code of Ohio or any amendment thereto.

CHAPTER 27  
WHEN EFFECTIVE

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- A. When Effective: As provided under Section 5.19 of The Ohio Code, Upon Certification by the Board of Elections the Resolution shall take Immediate effect in German Township when voters approve.