

ST. MARYS ZONING REGULATIONS

TABLE OF CONTENTS

<u>ARTICLE - SECTION</u>	<u>PAGE</u>
<u>ARTICLE I - GENERAL REGULATIONS</u>	1
Section 100 Title, Purpose, and Area of Jurisdiction	1
Section 110 Map and Text Interpretation	1
Section 120 Pre-Existing Lots of Record	3
Section 130 Non-Conformities: Uses, Buildings and Lands	3
Section 140 Establishment of Districts, Required Minimum Size and Statement of Intent	5
<u>ARTICLE II - DISTRICT REGULATIONS</u>	9
Section 205 R-1 Single-Family Residential District	9
Section 210 R-2 Single-Family Residential District	10
Section 215 R-3 Single-Family Residential District	11
Section 220 R-4 Single-Family Residential District	12
Section 225 R-5 Multi-Family Residential District	14
Section 230 R-PUD Planned Unit Development District	15
Section 235 R-MHP Mobile Home Park District	16
Section 240 C-1 Central Commercial District	17
Section 245 C-2 General Commercial District	18
Section 250 C-3 Office-Medical Facilities District	20
Section 255 C-4 Neighborhood Commercial District	21
Section 260 I-1 General Industrial District	23
Section 265 I-2 Light Industrial District	24
Section 270 F-P Flood Plain District	27
Section 280 RP-1 Residential Professional District	28
<u>ARTICLE III - SUPPLEMENTAL REGULATIONS</u>	30
Section 300 Conditions for Approval of Conditionally Permitted Uses	30
Section 300.1 Automotive Car Washes	32
Section 300.2 Automotive Service Stations (No Repair)	32
Section 300.3 Automotive Service Stations and/or Automotive Repair Garages	33
Section 300.4 Junk Yards, Salvage Yards, and Automotive Wrecking Yards	34
Section 300.5 Adult Entertainment	35
Section 300.6 Warehousing	36
Section 310 Off-Street Parking Requirements	37
Section 320 Off-Street Loading and Unloading	43
Section 325 Design Standards for Off-Street Parking and Loading/Unloading	44
Section 330 Performance Standards Relative to Nuisance Values	45
Section 340 Design Standards and Procedures for Approval of R-PUD Planned Unit Developments	46
Section 350 Standards and Procedures for Approval of R-MHP Mobile Home Parks	50

TABLE OF CONTENTS (con't.)

<u>ARTICLE - SECTION</u>	<u>PAGE</u>
Section 360 Home Occupations	56
Section 360.1 Bed and Breakfast Home Occupation	58
Section 370 Miscellaneous Requirements	59
Section 380 Satellite Signal Receiver Earth Station	62
Section 380.1 Definitions	62
Section 380.2 Permit Required	62
Section 380.3 Permit Application	63
Section 380.4 Residential District Requirements	63
Section 380.5 Commercial and Other District Requirements	64
Section 380.6 Variance	66
Section 380.7 Violation	66
<u>ARTICLE IV - ENACTMENT AND ENFORCEMENT ROLES</u>	67
Section 400 Composition and Role of the City Planning Commission	67
Section 410 Role of the City Council	67
Section 420 Role of the Zoning Enforcement Officer	68
Section 430 Role of the Mayor	69
Section 440 Role of the Board of Appeals	69
- Variances	71
- Conditional Uses	72
- Special Exceptions	73
- Time Limitation	74
<u>ARTICLE V - ADMINISTRATIVE AND ENFORCEMENT PROCEDURES</u>	75
Section 500 Issuance and Revocation of Zoning Permits	75
Section 510 Procedure for Zoning Text Amendments and Zoning Map Changes	76
- Required Hearings for Amendment	77
Section 520 Invalidity of a Part	79
Section 530 Repeal of Existing Ordinances	79
Section 540 Violation	79
Section 550 Fine	79
<u>ARTICLE VI - DEFINITIONS</u>	80

ZONING REVISIONS

REV. NO.	ORD. NO.	EFFECTIVE DATE	REMARKS
1	80-09	April 10, 1980	Nelson-Moran Rezoning From C-4 to C-2
2	80-62	February 11, 1981	Zoning Text Amendment
3	80-68	February 11, 1981	Hirschfeld-Conner Rezoning From R-3 to C-4
4	81-07	March 9, 1981	519 Greenville Rd. (former IGA) to Industrial-1 from C-4
5	81-12	May 27, 1981	Parcel of Tract No. 1 of Weston Subdivision to Industrial-1
6	81-40	October 14, 1981	7-11 and Famous Recipe to C-2 (when it was annexed)
7	82-09	May 2, 1982	Text Rev.; C-4 Neighborhood Commercial
8	82-51	November 25, 1982	2.973 acre parcel on north side of Indiana Ave. from R-3 to R-5
9	83-06	April 14, 1983	Lots 451-460 rezoned from R-1 to R-5, Lots 442-450 and Lots 461, 469 and 470 rezoned from R-1 to R-2; Changes in Text - Section 140(3); Section 140(4) (b); Section 210(1)(a) and Section 210(5); and Section 210(7)
10	83-45	September 29, 1983	Addition to Section 240(1)(i) requested by Mike's Wheel Ranch
11	83-51	November 10, 1983	Addition to Section 260(1)(e) requested by Leshner Corp.
12	83-73	February 9, 1984	Addition to Section 225(2)(g), Addition to Section 300(3) -- Conditionally Permitted Uses requested by Convalescent Management
13	84-82	February 14, 1985	Requested by Dr. Paguirigan - permits nursery schools and day care centers in a C-2 District
14	85-36	August 22, 1985	Satellite Signal Receiver Earth Station, Section 380
15	89-26	May 22, 1989	New zoning district - RP-1 Residential-Professional Zoning District
16	89-68	October 9, 1989	Add 310-1 h. (5) Variance Provision
17	90-05	March 29, 1990	Zoning Text Amendments: Amended: Sections 130-6-a; 205-7-(2); 210-7-(2); 215-5; 215-7-(2); 220-5; 225-5; 225-7-(2); 310-2-a; 310-2-b; 310-2-g; 325-b; 325-d-(paragraph 2); 370-3; and the definition of Accessory Building in Article VI. Added: Sections 370-6; and 500-1-c Deleted: Section 370-1-(2)-(b)

ZONING REVISIONS (con't.)

REV. NO.	ORD. NO.	EFFECTIVE DATE	REMARKS
18	91-83	December 25, 1991	Bed and Breakfast Home Occupation Amended: Section 360-2 Added: Section 360-1-g; and Section 360.1
19	97-36	October 22, 1997	Zoning Text Amendments: Amended: Section 235-7-(1), 235-7-(2), 235-7-(3); 350-f-(1), 350-f-(2), 350-f-(3); 350-g-(1), 350-g-(2), 350-g-(3); and 350-j-(2). Added: Section 350-f1-(1), 350-f1-(2) and 350-f1-(3)
20	97-44	November 24, 1997	Amended: Section 245-2-h Added: Section 300.5 Adult Entertainment and the definition of Adult Entertainment in Article VI.
21	98-52	November 27, 1998	Amended: Section 260 I-1 (General Industrial District 7.) Maximum Building Height
22	2018-11	June 25, 2018	Zoning Text Amendments: Added: Section 245-2-i. Warehousing Section 300.6 Warehousing
23	2019-22	October 14, 2019	Zoning Text Amendments: Amended: Section 140 (1), (3), (4) Addition to Section 140: m. I-2 Light Industrial District Added: Section 265 I-1 Light Industrial District
24	2019-29	December 30, 2019	Zoning Text Amendments: Addition to Section 300.6: f. Outside Storage of newly produced vehicles, recreational vehicles, recreational trailers, boats and like product. . . Amended: Section 370, paragraph 3 (4' standard fence height regulation)

ARTICLE I

GENERAL REGULATIONS

Section 100 Title, Purpose, and Area of Jurisdiction

1. For purpose of reference and citation, these regulations shall be known as the Zoning Ordinance of the City of St. Marys, Ohio, and may be referred to as “This Zoning Ordinance”.
2. This Zoning Ordinance has been developed in accordance with the representatives of the City of St. Marys and the goals and objectives of the City of St. Marys Comprehensive Plan, and is designed and intended to promote the health, safety and general welfare of the residents of the city, to encourage sound and orderly growth, and to protect existing development through the conservation of property values. To that end, all provisions, standards and/or regulations contained in this Ordinance shall be considered to be minimum requirements that shall be met and that may be exceeded. Wherever there are any other laws, municipal ordinances which impose a greater or lesser restriction upon property owners relative to land use, lands, buildings or area characteristics, the greater restriction shall control.
3. In order that sound development be maintained, and that growth may occur in an orderly fashion, this Zoning Ordinance is hereby adopted by the City Council of St. Marys, Ohio, as of this date, 9th day of July, 1979.
4. The entire land area within the corporate limits of the City of St. Marys, Ohio, is subject to the provisions specified in this Zoning Ordinance.

Section 110 Map and Text Interpretation

1. Official Zoning District Map
 - a. Where definite distances are not shown in feet on the Official Zoning District Map, the District Boundaries are intended to follow lot lines or extensions thereof, the center lines of existing street, alleys and highway right-of-way lines, railroads and bodies of water. If the exact location of such lines is not clear, it shall be determined by either supplemental detail drawings or rules of interpretation, adopted by the concurring vote of four (4) members of the Board of Zoning Appeals.
 - b. When the actual locations of streets or alleys on the ground differ from the streets or alleys on the Official Zoning District Map, the Board of Zoning Appeals may apply the Zoning District designations on the map to the property on the ground in such manner as to conform to the intent and purposes of this Section in the judgment of said Board.

Section 110 (con't.)

- c. Whenever any street, alley, railroad right-of-way, or other public way is vacated by official action of the Council, the zoning district adjoining each side of such street, alley, railroad right-of-way, or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and thenceforth be subject to all appropriate regulations of the extended districts. In the event of a partial vacation, the adjoining district, or district nearest the portion vacated, shall be extended automatically to include all the vacated area.
- d. Wherever lands are incorporated into the City of St. Marys, Ohio, through annexation, they shall retain the township zoning designation and the City shall enforce the township zoning regulations until zoned by the City Council under the terms of these regulations.

2. Text

In the construction of the Zoning Ordinance text, the rules of interpretation contained in this Section shall be observed and applied, except when the context clearly indicates otherwise. The following rules of construction apply to the text:

- a. The particular shall control the general.
- b. Where there is any difference of meaning or implication between the text and any caption of illustration, the text shall control.
- c. The word “shall” shall be mandatory and not discretionary. The word “may” shall be permissive.
- d. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- e. The phrase “used for” includes “arranged for”, “designed for”, “intended for”, “maintained for”, or “occupied for”.

Section 120 Pre-Existing Lots of Record

1. In any zoning district in which single-family detached dwellings are permitted, a single-family dwelling and customary accessory dwelling may be erected on any lot of record which existed at the time of adoption of the 1954 Zoning Ordinance, even though the lot does not meet the required minimum frontage or lot size for the district in which it is located. Said lots must not be identical ownership with that of any adjoining property. When a dwelling is constructed on said pre-existing lot, the side, front, and rear yard requirements of the applicable district shall be enforced. Variance of specified yard requirements shall be obtained only through action of the Board of Appeals, as outlined in Section 430.

Section 130 Non-Conformities: Uses, Buildings, and Lands

1. Any legal use, building, structure, or lot which existed prior to the adoption of the 1954 Zoning Ordinance, and which is further restricted or prohibited by this Ordinance, may be continued as a non-conforming use, subject to the conditions specified herein.

2. Conditionally Permitted Uses Not Considered Non-Conforming Uses

Any use of a specific property which is conditionally permitted in a zoning district in accordance with the provisions of this Ordinance shall not be considered as a non-conforming use in the zoning district in which it is conditionally permitted. Such conditionally permitted use shall be considered a conforming use on the particular lot on which it is located.

3. All non-conforming buildings, structures or uses of land which were lawfully existing prior to the adoption of this Ordinance may be maintained and kept in repair providing no further enlargement of the non-conformance shall occur.
4. Any non-conforming building, structure or use of land which is superseded by a use which is permitted within the zoning district in which it is located shall thereafter be in conformance with this Ordinance, and the previous non-conforming use shall not be resumed.
5. A non-conforming building or structure shall not be moved, in whole or in part, to any other location on the lot on which it is located unless it is made to conform with all of the regulations of the zoning district in which it is located.
6. Any building, structure or use of land which is devoted to a use which is not permitted by this Ordinance in the zoning district in which it is located shall not be extended, enlarged, constructed, restored, reconstructed, moved or structurally altered except as to change its use to a use which is permitted and in conformance with the regulations of this Ordinance, except as hereinafter provided:

Section 130 (con't.)

- a. A residential non-conforming use located in any commercial district may be restored or reconstructed following any destruction, one (1) time after the date of adoption of this Ordinance, subject to the approval of the Board of Zoning Appeals of the City of St. Marys, Ohio.

An addition to an existing residence or the construction of an attached or unattached garage or accessory building shall be permitted, if said, meets required setbacks, without being subject to the approval of the Board of Zoning Appeals. (2)

- b. A residential non-conforming use of land located in any "R" District may be restored or reconstructed following any destruction, one (1) time after the date of adoption of this Ordinance, subject to the approval of the Board of Zoning Appeals of the City of St. Marys, Ohio.

- c. A non-conforming use or building may be expanded an additional 50% of the area as it exists at the time of the effective date of this Ordinance; however, no expansion shall exceed 100% of the area as the area lawfully existed at the time that it first became non-conforming. Such expansion may occur only one time after the effective date of this Ordinance, and subject to the approval of the Board of Appeals in accordance with Section 440. (1)

7. Nothing contained in this Ordinance shall be construed to require any changes to be made in the plans, construction, or designated use of any building, structure or use on which actual construction was lawfully begun, or for which plans were officially approved by the City of St. Marys, Ohio, prior to the date of adoption of this Ordinance. Actual construction includes projects already under construction, whereby materials have been placed on the site and fastened together in a permanent manner; where excavation of a site has begun; or where demolition of a building to make way for rebuilding has begun, provided said construction, excavation, or demolition and subsequent rebuilding shall be carried on diligently. Officially approved plans shall include preliminary and final subdivision plans which have been approved by the City of St. Marys prior to the adoption of this Ordinance.

8. Any non-conforming use, building, or structure which has been discontinued for a period of 24 consecutive months, or any non-conforming use of land which has been discontinued for a period of 180 consecutive days, shall not be recontinued or reestablished unless it is made to conform with all of the regulations of the zoning district in which it is located.

9. No non-conforming use, building, or structure can be replaced with a non-conforming use which is non-conforming to a lesser degree. A second non-conforming use cannot be added to a building or structure which is non-conforming.

(1) Ordinance 80:62, Effective 2/11/81

(2) Ordinance 90:05, Effective 3/29/90

Section 140 Establishment of Districts, Required Minimum Size and Statement of Intent

1. The City of St. Marys is hereby divided into 15 zoning districts, which are as follows:

- . R-1 Single-Family Residential
- . R-2 Single-Family Residential
- . R-3 Single-Family Residential
- . R-4 Single-Family Residential
- . R-5 Multi-Family Residential
- . R-PUD Residential Planned Unit Development
- . R-MHP Residential Mobile Home Park
- . C-1 Central Commercial District
- . C-2 General Commercial District
- . C-3 Office-Medical Facilities District
- . C-4 Neighborhood Commercial District
- . I-1 General Industrial District
- . I-2 Light Industrial District
- . S-FP Special Flood Plain District
- . RP-1 Residential-Professional District

2. No building shall be erected, converted, enlarged, reconstructed, nor shall any building be moved onto a zoning lot, or within the same zoning lot, unless this is a use permitted in the zoning district in which such building is located. No parcel of land nor lot of record nor zoning lot shall hereafter be created which does not conform to, and meet, the requirements of this Ordinance. In no case shall more than one principal building per lot be permitted.

3. Minimum Size Requirements for Individual Zoning Districts

No individual zoning district shall be designated on the Official Zoning District Map after the effective date of this Ordinance, unless said zoning district meets or exceeds the following minimum sizes:

<u>Zoning District</u>	<u>Minimum District Size</u>
R-1	20.0 acres
R-2	10.0 acres except when adjacent to an R-5 District, in which case the minimum area of an R-2 District shall be 3.0 acres.
R-3	15.0 acres
R-4	10.0 acres
R-5	2.0 acres
R-PUD	15.0 acres
R-MHP	10.0 acres
C-1	30.0 acres
C-2	2.0 acres
C-3	25.0 acres
C-4	2.0 acres
I-1	8.0 acres
I-2	1.5 acres abutting another Industrial Zone and situated adjacent to a Commercial or Residential Zone.
S-FP	Not applicable
RP-1	2.0 acres

Section 140 (con't.)

4. Zoning District Statements of Intent

a. R-1 Single-Family Residential District

The R-1 District designates lands for single-family homes at medium density levels. In places, this designation reflects existing development; in other parts of the City, it may reflect sites for potential infill on existing lots of record. In addition, the R-1 designation encompasses currently undeveloped areas which are contiguous to built-up housing and are appropriate for new residential development and housing in the medium density range.

b. R-2 Single-Family Residential District

The R-2 District reserves certain land areas for medium size lots on which detached single-family and detached two-family dwellings may be built. In other cases, the designation may be used to provide for development of new area at comparable low density levels. These areas should be contiguous to existing built-up portions of the City.

c. R-3 Single-Family Residential District

The R-3 District designates lands for pre-existing single-family homes on small lots of record. This District is intended solely to reflect existing high density single-family residential development and to allow for limited infilling within this one particular residential section of the City.

d. R-4 Single-Family Residential District

The R-4 District applies to existing single-family neighborhoods which have developed at extremely high density levels.

e. R-5 Multi-Family Residential Development District

The R-5 District is intended to provide for areas of multi-family housing at strategic locations where high density housing is appropriate due to access to major thoroughfares and/or commercial areas. R-5 Districts may also be used as “buffer” or transition zone between areas of lower-density residential development and housing and business or industry.

f. R-PUD Residential Planned Unit Development District

The R-PUD District establishes a permissive, flexible zoning procedure for the development housing areas containing a “mix of” house types and/or residential densities. Development of a “PUD” proceeds according to an overall development plan, which has been determined through a specified procedure involving site plan review-and-approval. Usable open space shall be provided as part of the planned unit development.

Section 140 (con't.)

- g. R-MHP Residential Mobile Home Park District
The R-MHP District is intended to provide for the placement of mobile homes in a pre-planned physical setting which site is under unified management and ownership and which contains communal facilities (e.g., laundry and recreation facilities). Approved connections to municipal utility systems shall be required.
- h. C-1 Central Business District Commercial
The “CBD” commercial zoning district reflects the historic built-up commercial-office-government center of the community. The intent is to encompass the existing commercial center and to allow for modest expansion where this is both physically possible and commercially feasible.
- i. C-2 General Commercial District
The intent of the C-2 District is to provide for extensive commercial uses (which require large lots for display and storage) plus highway commercial uses which require substantial frontage for both good visibility and access. In either case, the C-2 District accommodates those commercial establishments which derive a significant part of their trade from areas beyond the immediate neighborhood and, in many instances, beyond the City and/or County.
- j. C-3 Office-Medical Facilities District
The C-3 District is intended to designate land around the Joint Township District Memorial Hospital for the purpose of allowing both general offices, medical-related offices and medical-related facilities to locate in close proximity to this Hospital complex.
- k. C-4 Neighborhood Commercial District
The intent of the C-4 District is to establish small, compact commercial districts at strategic locations near or adjacent the City’s residential neighborhoods in order to provide land for convenience, commercial uses, and personal service establishments at locations where they can be easily used by residents of nearby neighborhoods on a day-to-day basis.
- l. I-1 General Industrial District
The intent of the I-1 District is to accommodate existing industrial development and allow land for its future expansion and secondly, to provide land for new industrial sites. The I-1 designation is for lands which are located with frontage along major thoroughfares and/or where convenient access exists to major highways and/or rail systems. These industrial districts should be preferably separated physically and functionally from the City’s residential neighborhoods.
- m. I-2 Light Industrial District
The intent of the I-2 District is to provide for light industrial/heavy commercial uses and locations which are suitable and appropriate, taking into consideration that it shall be located next to a residential or commercial zone.

It is not intended to allow a use which would impose hazards or a nuisance to adjacent or other properties by reason of smoke, soot, odor, noise, glare, fumes, or other conditions that would adversely affect the public health, safety, and welfare.

Section 140 (con't.)

n. S-FP Flood Plain District

The intent of the S-FP District is to protect flood prone areas along the St. Marys River and its tributary streams from encroachment by urban development (land uses) which would interfere with flood flows and be subject to damage. The purpose underlying the prohibition of certain land uses is to protect human life and private property and to preserve the natural/scenic values of the flood plain.

o. RP-1 Residential-Professional District

The RP-1 District designates land primarily single-family residential areas which are located along major thoroughfares. The District shall allow for the establishment of a professional office or studio in a single-family residential structure. These areas are intended to serve as a buffer between existing residential areas and existing commercial areas in the City.

ARTICLE II

DISTRICT REGULATIONS

Section 205 R-1 Single-Family Residential District

1. Principal Permitted Uses

- a. Residential. Single-family detached dwellings.
- b. Institutional and Educational. Churches and other places of worship, not including funeral chapels or mortuary chapels; schools and institutions for academic instruction.
- c. Recreational. Public parks, playgrounds, recreational and community center buildings and grounds of a non-commercial nature.

2. Conditionally Permitted Uses. The following uses may be permitted in the R-1 District only if expressly authorized by the Board of Appeals in accordance with the provisions of Section 440 subject to any limitations and restrictions deemed necessary by the Board of Appeals.

- a. Recreation. Private, non-commercial recreation areas and facilities such as swimming pools, recreation clubs, golf courses and country clubs.
- b. Public Facilities and Utilities. Structures and installations which are necessary public facilities and utilities and which require location in this R-1 District.
- c. Cemeteries.
- d. Customary Home Occupations. Home occupations are regulated in accordance with provisions specified in Section 360.
- e. Nursery Schools and Day Care Centers.

3. Prohibited Uses. No building or structure within the R-1 District shall be used by any commercial establishments or industrial establishments.

4. Accessory Buildings and Uses. Accessory uses, buildings, or other structures customary and incidental to any aforesaid permitted uses shall be allowed, provided that such accessory building or use shall not involve any type of business, trade, manufacturing, or industry.

5. Minimum Lot Area and Width. There shall be permitted zoning lots not less than seven thousand (7,000) square feet in land area. No lot width shall be less than seventy (70) feet.

6. Maximum Building Height. No dwelling shall exceed two and one-half (2.5) stories, or thirty-five (35) feet in height.

Section 205 (con't.)

7. Minimum Yard Setbacks.

(1) Front - There shall be a minimum depth of not less than twenty-five (25) feet.

(2) Side - There shall be a minimum width of not less than eight (8) feet. **(1)**

(3) Rear - There shall be a minimum depth of not less than twenty-five (25) feet.

8. Required Off-Street Parking. Off-street parking shall be provided in accordance with the requirements specified in Section 310.

Section 210 R-2 Single-Family Residential District

1. Principal Permitted Uses

a. Residential. Detached single-family dwellings and detached two-family dwellings.

b. Institutional and Educational. Churches and other places of worship, not including funeral chapels or mortuary chapels; schools and institutions for academic instruction.

c. Recreational. Public parks, playgrounds, recreational and community center buildings and grounds of a non-commercial nature.

2. Conditionally Permitted Uses. The following uses may be permitted in the R-2 District only if expressly authorized by the Board of Appeals in accordance with the provisions of Section 440 and subject to any limitations and restrictions deemed necessary by the Board of Appeals.

a. Recreation. Private, non-commercial recreation areas and facilities such as swimming pools, recreation clubs, golf courses and country clubs.

b. Public Facilities and Utilities. Structures and installations which are necessary public facilities and utilities and which require location in this R-2 District.

c. Cemeteries.

d. Customary Home Occupations. Home occupations are regulated in accordance with the provisions specified in Section 370.

e. Nursery Schools and Day Care Centers.

3. Prohibited Uses. No building or structure within the R-2 District shall be used by any commercial establishments or industrial establishments.

(1) Ordinance 90:05, Effective 3/29/90

Section 210 (con't.)

4. Accessory Buildings and Uses. Accessory uses, buildings, or other structures customary and incidental to any aforesaid permitted uses shall be allowed, provided that such accessory building or use shall not involve any type of business, trade, manufacturing, or industry.
5. Minimum Lot Area and Width. There shall be permitted zoning lots not less than nine-thousand (9,000) square feet in land area. No lot width shall be less than seventy (70) feet.
6. Maximum Building Height. No dwelling shall exceed two and one-half (2.5) stories, or thirty-five (35) feet in height.
7. Minimum Yard Setbacks.
 - (1) Front - There shall be a minimum depth of not less than twenty-five (25) feet.
 - (2) Side - There shall be a minimum width of not less than eight (8) feet. **(1)**
 - (3) Rear - There shall be a minimum depth of not less than thirty (30) feet.
8. Required Off-Street Parking. Off-street parking shall be provided in accordance with the requirements specified in Section 310.

Section 215 R-3 Single-Family Residential District

1. Principal Permitted Uses
 - a. Residential. Single-family detached dwellings.
 - b. Institutional and Educational. Churches and other places of worship, not including funeral chapels or mortuary chapels; schools and institutions for academic instruction.
 - c. Recreational. Public parks and recreation sites.
 2. Conditionally Permitted Uses. The following uses shall be permitted only if expressly authorized by the Board of Appeals in accordance with the provisions of Section 440 and subject to any limitations and restrictions deemed necessary by the Board of Appeals.
 - a. Two-Family, Three-Family and Four-Family Attached Dwellings. Two-family, three-family, and four-family dwellings are regulated by the Board of Appeals in accordance with provisions specified in Section 370.
 - b. Recreation. Private, non-commercial recreation areas and facilities such as swimming pools, recreation clubs, golf courses and country clubs.
- (1)** Ordinance 90:05, Effective 3/29/90

Section 215 (con't.)

- c. Public Facilities and Utilities. Structures and installations which are necessary public facilities and utilities and which require location in the R-3 District.
 - d. Cemeteries.
 - e. Customary Home Occupation. Home occupations are regulated in accordance with provisions specified in Section 360.
 - f. State Highway Patrol Outpost.
 - g. Nursery Schools and Day Care Centers.
- 3. Prohibited Uses. No building or structure located within the R-3 District shall be used by any commercial establishments or industrial establishments.
 - 4. Accessory Buildings and Uses. Accessory uses, buildings, or other structures customary and incidental to any aforesaid permitted uses shall be allowed, provided that such accessory building or use shall not involve any type of business, trade, manufacturing or industries.
 - 5. Minimum Lot Area and Width. There shall be permitted zoning lots not less than five thousand (5,000) square feet for a single-family dwelling. No lot width shall be less than fifty (50) feet. **(1)**
 - 6. Maximum Building Height. No dwelling shall exceed two and one-half (2.5) stories, or thirty-five (35) feet in height.
 - 7. Minimum Yard Setbacks.
 - (1) Front - There shall be a minimum depth of not less than twenty-five (25) feet.
 - (2) Side - There shall be a minimum width of not less than eight (8) feet. **(1)**
 - (3) Rear - There shall be a minimum depth of not less than twenty-five (25) feet.
 - 8. Required Off-Street Parking. Off-street parking shall be provided in accordance with the requirements specified in Section 310.

Section 220 R-4 Single-Family Residential District

- 1. Principal Permitted Uses
 - a. Residential. Single-family detached dwellings.
- (1)** Ordinance 90:05, Effective 3/29/90

Section 220 (con't.)

- b. Institutional and Educational. Churches and other places of worship, not including funeral chapels and mortuary chapels; schools and institutions for academic instruction.
 - c. Recreational. Public parks and recreation sites.
2. Conditionally Permitted Uses. The following uses may be permitted in the R-4 District only if expressly authorized by the Board of Appeals in accordance with the provisions of Section 440 and subject to any limitations and restrictions deemed necessary by the Board of Appeals.
- a. Recreation. Private, non-commercial recreation areas and facilities such as swimming pools, recreation clubs, golf courses and country clubs.
 - b. Two-Family, Three-Family and Four-Family Attached Dwellings. Two-family, three-family and four-family dwellings are regulated by the Board of Appeals in accordance with provisions specified in Section 300. (1)
 - c. Public Facilities and Utilities. Structures and installations which are necessary public facilities and utilities and which require location in this R-4 District.
 - d. Cemeteries.
 - e. Customary Home Occupations. Home occupations are regulated in accordance with provisions specified in Section 360.
 - f. Nursery Schools and Day Care Centers.
3. Prohibited Uses. No building or structure within the R-4 District shall be used by any commercial establishments or industrial establishments.
4. Accessory Buildings and Uses. Accessory uses, buildings, or other structures customary and incidental to any aforesaid permitted uses shall be allowed, provided that such accessory building or use shall not involve any type of business, trade, manufacturing, or industry.
5. Minimum Lot Area and Width. There shall be permitted zoning lots not less than three thousand eight hundred and fifty (3,850) square feet for a single-family dwelling. No lot width shall be less than forty (40) feet. (2)
6. Maximum Building Height. No dwelling shall exceed two and one-half (2.5) stories, or thirty-five (35) feet in height.

- (1) Ordinance 80:62, Effective 2/11/81
- (2) Ordinance 90:05, Effective 3/29/90

Section 220 (con't.)

7. Minimum Yard Setbacks.

- (1) Front - There shall be a minimum depth of not less than twenty (20) feet.
- (2) Side - There shall be a minimum width of not less than seven (7) feet.
- (3) Rear - There shall be a minimum depth of not less than twenty-five (25) feet.

8. Required Off-Street Parking. Off-street parking shall be provided in accordance with the requirements specified in Section 310.

Section 225 R-5 Multi-Family Residential District

1. Principal Permitted Uses

- a. Residential. Two-family attached dwellings and multiple-family dwellings.
- b. Institutional and Educational. Churches and other places of worship. Schools and institutions for academic instruction.
- c. Recreational. Public parks and recreation sites.

2. Conditionally Permitted Uses. The following uses shall be permitted only if expressly authorized by the Board of Appeals in accordance with the provisions of Section 440 and subject to any limitations and restrictions deemed necessary by the Board of Appeals.

- a. Recreation. Private, non-commercial recreation areas and facilities such as swimming pools, recreation clubs, golf courses and country clubs.
- b. Public Facilities and Utilities. Structures and installations which are necessary public facilities and utilities and which require location in the R-5 District.
- c. Fraternal Lodges and Private Clubs.
- d. Nursery Schools and Day Care Centers.
- e. Customary Home Occupations. Home occupations are regulated in accordance with provisions specified in Section 360.
- f. Single-Family Detached Dwellings.
- g. Rest Homes, Nursing Homes, Convalescent Homes. Provided that the lot area is five (5) acres with a minimum of 250 feet of width.

Section 225 (con't.)

3. Prohibited Uses. No building or structure located within the R-5 District shall be used by any commercial establishments or industrial establishments.
4. Accessory Buildings Uses. Accessory uses, buildings, or other structures customary and incidental to any aforesaid permitted uses shall be allowed, provided that such accessory building or use shall not involve any type of business, trade, manufacturing, or industry.
5. Minimum Lot Area and Width. In no case shall the area of a multiple family zoning lot be less than 8,800 square feet for the first two (2) dwelling units and an additional 2,000 square feet per additional dwelling unit placed upon the lot. No lot width shall be less than sixty (60) feet. **(1)**
6. Maximum Building Height. No multiple-family dwelling shall exceed three (3) stories, or forty (40) feet in height. No two-family attached dwelling shall exceed two and one-half (2.5) stories, thirty-five (35) feet in height.
7. Minimum Yard Setbacks.
 - (1) Front - There shall be a minimum depth of not less than twenty-five (25) feet.
 - (2) Side - There shall be a minimum width of not less than eight (8) feet. **(1)**
 - (3) Rear - There shall be a minimum depth of not less than twenty-five (25) feet.
8. Required Off-Street Parking. Off-street parking shall be provided in accordance with the requirements specified in Section 310.

Section 230 R-PUD Planned Unit Development District

1. Principal Permitted Uses

None.

2. Conditionally Permitted Uses

- a. Residential. Single-family detached dwellings, single-family attached dwellings, two-family attached dwellings, multiple-family dwellings.
- b. Recreational. Public or neighborhood park and open space; recreation sites developed in conjunction with the above residential uses according to an approved site plan.

3. Prohibited Uses. No establishment shall be used for manufacturing, industry, or commercial purposes.

(1) Ordinance 90:05, Effective 3/29/90

Section 230 (con't.)

4. Accessory Buildings and Uses. Accessory uses and buildings which are customary and incidental to any of the aforesaid permitted uses shall be allowed, provided that such accessory building or use shall not involve any type of trade, manufacturing, or industry.
5. Minimum Lot Area. Lot areas may be varied at the discretion of the developer, subject to review-and-approval by the Planning Commission, in accordance with the procedures specified in Section 340. In no case shall the gross density of a Planned Unit Development, or any portion thereof, exceed 6.5 (six and one-half) dwelling units per acre.
6. Maximum Building Height. No multiple-family dwelling shall exceed three (3) stories, or forty (40) feet in height. No two-family or single-family dwelling shall exceed two-and-one-half (2.5) or thirty-five (35) feet in height.
7. Minimum Yard Setback. Front, side and rear yard requirements are variable at the discretion of the developer, subject to review and approval by the Planning Commission.
8. Required Off-Street Parking. Off-street parking shall be provided in accordance with the requirements specified in Section 310.

Section 235 R-MHP Mobile Home Park District

1. Principal Permitted Uses

None.

2. Conditionally Permitted Uses. Mobile homes in mobile home parks, and related facilities such as management offices, laundry facilities, and recreation facilities. All mobile homes or related structures located within an R-MHP District are subject to the conditions specified in Section 350.
3. Prohibited Uses. Any establishment not specifically permitted by the above.
4. Accessory Buildings and Uses. Customary accessory structures incidental to any of the aforesaid conditional uses may be allowed.
5. Minimum Lot Area and Width. In no case shall a mobile home lot or space occupy an area less than five thousand (5,000) square feet. No mobile home space or lot width shall measure less than 50 feet.
6. Maximum Building Height. No mobile home shall exceed fifteen (15) feet in height. No other structure within a mobile home park shall exceed tow (2) stories or thirty (30) feet in height.
7. Minimum Yard Setbacks.
 - (1) Front - There shall be a minimum depth of not less than fifteen (15) feet along a public street or alley, and there shall be a minimum depth of not less than ten (10) feet from any interior street or common drive within the mobile home park.

Section 235 (con't.)

- (2) Side - There shall be a minimum width of not less than three (3) feet.
- (3) Rear - There shall be a minimum depth not less than ten (10) feet, excepting that any rear yard abutting an exterior lot line of the mobile home park shall not be less than twenty (20) feet.

8. Required Off-Street Parking. Off-street parking shall be provided in accordance with Section 310.

Section 240 C-1 Central Commercial District

1. Principal Permitted Uses

- a. Retail establishments and service businesses.
- b. Business and professional offices.
- c. Financial institutions.
- d. Food stores, restaurants, delicatessens, eating and drinking places. (Excluding drive-in or carry-out.)
- e. Indoor motion picture theaters.
- f. Printing and Publishing. Commercial printing establishments and newspaper publishing, specialty printing, and the like, providing that the business is in an enclosed building and does not require outside storage of materials or products and is not objectionable by reason of smoke, noise, dust, odor, cinders, vibration, fumes, glare or light.
- g. Public Facilities and Utilities. Any public facility or utility not detrimental to the character and nature of the C-1 District.
- h. Other professional, commercial, retail or service establishments which are in harmony with the intent and purposes of this District.
- i. Automobile and/or automobile accessories and/or parts sales with no repairs, except servicing, cleaning, and minor repairs to vehicles placed on the premises for sale. No more than one vehicle per 500 square feet of lot area shall be offered for sale at any one time on the premises. Provided, however, that no disabled vehicle shall be kept on the premises for more than 24 hours and further provided that minor repairs under this section shall be defined to be only those repairs associated with cleaning a car to ready it for sale and shall specifically exclude engine repair other than a tune up, and body work, other than minor touch up painting.

2. Conditionally Permitted Uses. The following uses may be permitted in the C-1 District only if expressly authorized by the Board of Appeals in accordance with the provisions of Section 440 and subject to any limitations and restrictions deemed necessary by the Board of Appeals.

- a. Automobile service station and/or automotive repair garage.

Section 240 (con't.)

- b. Car washes.
 - c. Drive-in carry-out eating and drinking places.
 - d. Multiple-family dwelling above ground floor commercial establishments.
 - e. Single-family and multiple-family dwelling units.
3. Prohibited Uses. No building or structure located within the C-1 District shall be used for any industrial use, except as specifically permitted in this Ordinance.
4. Accessory Uses. Such accessory building and structures customary and incidental to any of the foregoing permitted uses and otherwise not prohibited.
5. Minimum Lot Area and Width. No minimum lot area or minimum lot width shall be required for zoning lots within the C-1 District.
6. Maximum Building Height. No commercial structure shall exceed six (6) stories or seventy-five (75) feet in height.
7. Minimum Yard Setbacks.
- (1) Front - None required.
 - (2) Side - None required, except there shall be a minimum width of six (6) feet when adjacent to any "R" District.
 - (3) Rear - There shall be a minimum depth of ten (10) feet.
8. Required Off-Street Parking. Off-street parking shall be provided in accordance with the requirements specified in Section 310, except where commercial establishments are within 250 feet of a municipal parking lot.
9. Required Off-Street Loading/Unloading. Off-street loading/unloading shall be provided in accordance with the requirements specified in Section 320.

Section 245 C-2 General Commercial District

1. Principal Permitted Uses
- a. Animal hospitals, veterinary clinics, kennels, pet shops, and similar establishments.
 - b. Automobile and/or automobile accessory and/or parts sales.
 - c. Building and Related Trades. Carpenter shops; electrical, plumbing, air conditioning, and heating shops; furniture upholstery and similar establishments; roofing shops.
 - d. Business or Professional Offices.

Section 245 (con't.)

- e. Commercial Recreation. Bowling alleys, miniature golf, commercial game rooms, commercial tennis or racquetball facilities, and similar establishments.
 - f. Eating and drinking places, excluding drive-in or carry-out.
 - g. Financial institutions.
 - h. Fraternal lodges and private clubs.
 - i. Funeral homes and mortuaries.
 - j. Any other retail or service establishments which the Board of Appeals determines to be of the same character and nature of those specifically allowed, and in harmony with the intent and purpose of this District.
 - k. Public facilities and utilities.
2. Conditionally Permitted Uses. The following uses shall be permitted only if expressly authorized by the Board of Appeals in accordance with the provisions of Section 440 and subject to any limitations and restrictions deemed necessary by the Board of Appeals.
- a. Automotive service station and/or automotive repair garage.
 - b. Car washes.
 - c. Drive-in or carry-out eating and drinking places.
 - d. Drive-in motion picture theaters.
 - e. Farm implement sales and associated service facilities.
 - f. Single-family and multi-family dwelling units.
 - g. Nursery schools and day care centers.
 - h. Adult Entertainment Facility.
 - i. Warehousing. **(1)**
3. Prohibited Uses. No building or structure located within the C-2 District shall be used for any type of industrial purpose.
4. Accessory Uses. Such accessory uses and structures customary and incidental to any of the foregoing permitted uses and otherwise not prohibited.
5. Minimum Lot Area and Lot Width. There shall be permitted zoning lots not less than ten thousand (10,000) square feet in land area. No lot width shall be less than eighty-five (85) feet.
- (1)** Ordinance 2018-11, Effective 6/25/2018

Section 245 (con't.)

6. Maximum Building Height. No commercial structure shall exceed three (3) stories, or forty-five (45) feet in height.
7. Minimum Yard Setbacks.
 - (1) Front - There shall be a minimum depth of forty (40) feet.
 - (2) Side - None, except there shall be a minimum width of twenty (20) feet on a side yard which is adjacent to any "R" District.
 - (3) Rear - There shall be a minimum depth of ten (10) feet, except when adjacent to any "R" District there shall be a minimum depth of forty (40) feet.
8. Required Off-Street Parking. Off-street parking shall be required in accordance with the requirements specified in Section 310.
9. Required Off-Street Loading/Unloading. Off-street loading/unloading shall be provided in accordance with the requirements specified in Section 320.

Section 250 C-3 Office-Medical Facilities District

1. Principal Permitted Uses
 - a. Business and professional offices.
 - b. Eating and drinking places, excluding drive-in or carry-out.
 - c. Financial institutions.
 - d. Hospitals and other institutions for human medical care.
 - e. Supportive commercial establishments. Drug stores, medical supply stores, florist shops, card shops, gift shops.
 - f. Medical and dental offices and clinics.
 - g. Rest homes, nursing homes, convalescent homes.
 - h. Senior citizens housing.
 - i. Public facilities and utilities where location in a C-3 District is necessary.
2. Conditionally Permitted Uses. The following uses shall be permitted only if expressly authorized by the Board of Appeals in accordance with the provisions of Section 440 and subject to any limitations and restrictions deemed necessary by the Board of Appeals.
 - a. Nursery schools and day care centers.

Section 250 (con't.)

- b. Fraternal lodges and private clubs.
 - c. Drive-in or carry-out eating and drinking places.
 - d. Single-family and multi-family dwelling units.
3. Accessory Uses. Accessory uses and structures customary and incidental to any permitted use shall be allowed.
 4. Prohibited Uses. No building or structure located within the C-3 District shall be used for any type of industrial purpose, nor shall any commercial use be permitted which is not in harmony with the intent and purpose of this District.
 5. Minimum Lot Area and Width. There shall be permitted lots not less than ½ acre in area. No lot width shall be less than one hundred (100) feet.
 6. Maximum Building Height. No structure shall exceed forty-five (45) feet or three (3) stories in height, except that hospitals and other institutions for human medical care shall not exceed eighty (80) feet or six (6) stories in height.
 7. Minimum Yard Setbacks.
 - (1) Front - There shall be a minimum depth of thirty (30) feet.
 - (2) Side - There shall be a minimum width of fifteen (15) feet.
 - (3) Rear - There shall be a minimum depth of forty (40) feet.
 8. Required Off-Street Parking. Off-street parking shall be required in accordance with the requirements specified in Section 310.
 9. Required Off-Street Loading/Unloading. Off-street loading/unloading shall be provided in accordance with the requirements specified in Section 320.

Section 255 C-4 Neighborhood Commercial District

1. Principal Permitted Uses
 - a. Retail, business and service establishments: bakery shops, barber and beauty shops, business or professional offices, drug stores, dry cleaning/laundry establishments, grocery stores, shoe stores, or repair shops.
 - b. Eating and drinking places, not including drive-in or carry-out establishments, or dance halls.
 - c. Public utilities and facilities, when location in a C-4 District is necessary.

Section 255 (con't.)

2. Conditionally Permitted Uses. The following uses shall be permitted only if expressly authorized by the Board of Appeals in accordance with the provisions of Section 440 and subject to any limitations and restrictions deemed necessary by the Board of Appeals.
 - a. Automobile service stations which do not do repair work.
 - b. Single-family and multi-family dwelling units.
 - c. Automobile and/or automobile accessories and/or parts sales with no repairs, except servicing, cleaning, and minor repairs to vehicles placed on the premises for sale. No more than one vehicle per 500 square feet of lot area shall be offered for sale at any one time on the premises.
 - d. Provided, however, that no disabled vehicle shall be kept on the premises for more than 24 hours and further provided that minor repairs under this section shall be defined to be only those repairs associated with cleaning a car to ready it for sale and shall specifically exclude engine repair other than a tune up, and body work, other than minor touch up painting.
3. Prohibited Uses.
 - a. No building or structure in a C-4 District may be used for any industrial purpose; unless permitted by this Ordinance.
4. Accessory Uses. Such accessory uses and structures customary and incidental to any of the foregone permitted uses and otherwise not prohibited.
5. Minimum Lot Area and Width. There shall be permitted zoning lots not less than five thousand (5,000) square feet. No lot width shall be less than fifty (50) feet.
6. Maximum Building Height. No structure shall exceed two (2) stories or twenty-five (25) feet in height.
7. Minimum Yard Setbacks for Principal Permitted Uses.
 - (1) Front - There shall be a minimum depth of twenty-five (25) feet.
 - (2) Side - No side yard shall be required, except that a side yard of not less than nine (9) feet shall be required on the side of a lot adjoining a residential zoning district.
 - (3) Rear - There shall be a minimum depth of fifteen (15) feet.
8. Minimum Yard Setbacks for Conditionally Permitted Uses.
 - (1) Front - There shall be a minimum depth of forty (40) feet.
 - (2) Side - No side yard depth shall be less than ten (10) feet.
 - (3) Rear - No rear yard depth shall be less than thirty (30) feet.

Section 255 (con't.)

9. Required Off-Street Parking. Off-street parking shall be required in accordance with the requirements specified in Section 310.
10. Required Off-Street Loading/Unloading. Off-street loading/unloading shall be provided in accordance with the requirements specified in Section 320.

Section 260 I-1 General Industrial District

1. Principal Permitted Uses
 - a. Industrial and manufacturing uses.
 - b. Research and development establishments.
 - c. Warehouse and whole establishments.
 - d. Building materials sales and storage yards.
 - e. Any principally permitted use in a C-District which can be conducted on the same lot as an existing industrial use.
2. Conditionally Permitted Uses. The following uses shall be permitted only if expressly authorized by the Board of Appeals in accordance with the provisions of Section 440 and subject to any limitations and restrictions deemed necessary by the Board of Appeals.
 - a. Junk Yards. Including salvage yards and automobile wrecking yards.
 - b. Resources and mineral extraction.
3. Accessory Uses. Accessory uses and structures customary and incidental to any permitted use shall be allowed.
4. Prohibited Uses. No building or structure shall be used for any type of dwelling unit.
5. Performance Standards. All industrial establishments that are either principally permitted uses or conditionally permitted uses in this I-1 District must fully meet, or in the case of potential uses, demonstrate that they will fully meet the performance standards relative to nuisance values outlined in Section 330.
6. Minimum Lot Area and Width. No zoning lot less than ½ acre in area shall be permitted, nor shall any lot width less than one hundred (100) feet be permitted.
7. Maximum Building Height. No industrial structure shall exceed eighty (80) feet in height.
8. Minimum Yard Setbacks.
 - (1) Front - There shall be a minimum depth of thirty-five (35) feet.

Section 260 (con't.)

- (2) Side - There shall be a minimum width on either side of not less than twenty (20) feet, with the combined width of both side yards to be not less than fifty (50) feet. When adjacent to any "R" District, there shall be a minimum width of not less than forty (40) feet.
 - (3) Rear - There shall be a minimum depth of ten (10) feet, except when adjacent to any "R" District, there shall be a minimum depth of forty (40) feet.
9. Required Off-Street Parking. Off-street parking shall be required in accordance with the requirements specified in Section 310.
10. Required Off-Street Loading/Unloading. Off-street loading/unloading shall be provided in accordance with the requirements specified in Section 320.

Section 265 I-2 Light Industrial District (1)

1. Principal Permitted Uses

- a. Commercial business operations whose primary clients or customers are other industries or commercial operation with a secondary or incidental purpose of retail sales to the general public.
- b. Assembly of parts, small appliances, electronic instruments or devices not involving the use of stamping or press operations, and in relation to size, value, and weight of merchandise received and shipped create very little truck traffic.
- c. Wholesale stores.
- d. Trade schools.
- e. Offices providing support services to industrial or commercial clients.
- f. Laboratories or research facilities involving testing, or other uses, which do not create offensive noise, vibrations, smoke, dust, odor, hear, or glare.
- g. Warehousing and storage, including mini-storage complexes.

2. Conditionally Permitted Uses. None.

3. Accessory Uses. Accessory uses and structures customary and incidental to any permitted use shall be allowed.

4. Prohibited Uses. No building or structure shall be used for any type of dwelling unit, stamping or press operation, or major industrial use.

(1) Ordinance 2019-22, Effective 10/14/19

Section 265 (con't.)

5. Performance Standards. All industrial establishments that are principally permitted uses in this I-2 District must fully meet, or in the case of potential uses, demonstrate that they will fully meet the performance standards relative to nuisance values outlined in Section 330, and Special Restrictions as described in subsection 11 of this Section 265.
6. Minimum Lot Area and Width. No zoning lot less than ½ acre in area shall be permitted, nor shall any lot width less than one hundred (100) feet be permitted.
7. Maximum Building Height. No structure shall exceed forty (40) feet in height.
8. Minimum Yard Setbacks.
 - (1) Front - There shall be a minimum depth of thirty-five (35) feet.
 - (2) Side - There shall be a minimum width on either side of not less than twenty (20) feet, with the combined width of both side yards to be not less than fifty (50) feet. When adjacent to any “R” District, there shall be a minimum width of not less than forty (40) feet.
 - (3) Rear - There shall be a minimum depth of ten (10) feet, except when adjacent to any “R” District, there shall be a minimum depth of forty (40) feet.
9. Required Off-Street Parking. Off-street parking shall be required in accordance with the requirements specified in Section 310.
10. Required Off-Street Loading/Unloading. Off-street loading/unloading shall be provided in accordance with the requirements specified in Section 320.
11. Special Restrictions.
 - (1) Any I-2 zone that borders a Residential Zone will be prohibited from shipping/receiving of any kind between the hours of 7:00 p.m. to 7:00 a.m.
 - (2) The use of LP, gas or electric material handling equipment is prohibited between the hours of 7:00 p.m. to 7:00 am.
 - (3) Variances are allowed to be applied for and heard before the Zoning Board of Appeals to waive the above requirements.

THIS PAGE LEFT BLANK INTENTIONALLY

Section 270 Flood Plain District

1. Principal Permitted Uses. The following uses, shall be permitted within the Flood Plain District to the extent that they are not prohibited by any other provision of the Zoning Ordinance, or other ordinances, and provided that they have a low flood damage potential, will not materially obstruct flood flows or increase velocities or stages of the regional flood, and do not require structures, fill, storage of materials or storage of equipment:
 - a. Industrial-commercial uses such as open-loading areas, parking areas, interior service roads, airport runways or service roads.
 - b. Public and private recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic and camp grounds, boat launching and beaching areas or ramps, swimming areas, parks, playgrounds, wildlife and nature preserves, game farms, fish hatcheries and hiking, bicycling, horseback or recreational vehicle areas and trails, and other open space uses.
 - c. Accessory residential uses such as lawns, gardens, parking areas, and play areas.
2. Conditionally Permitted Uses. The following uses, if not prohibited by any other provision of the Zoning Code, which involve placement or use of temporary or permanent structures, fill, materials or equipment in the Flood Plain District may be permitted therein upon application and issuance of a Conditional Use Permit subject to the standards contained herein pertaining to Flood Plain Conditional Uses:
 - a. Railroads, highways, streets, alleys, access roads, bridges, sewers, utilities, utility transmission lines and pipe lines.
 - b. Marinas, boat rentals, docks, piers, mooring anchors, wharves, water control structures and navigation facilities.
 - c. Storage yards or areas for equipment, machinery or bulk materials.
 - d. Use or placement of structure incidental or accessory to permitted or open space uses.
 - e. Placement of fill incidental or accessory to permitted areas.
3. Prohibited Uses. No land use, or activity, within the Flood Plain District shall adversely affect the hydraulic capacity of the channel or floodway or any tributary to the main stream or of any ditch or other drainage facility or system, and no use shall be permitted which is likely to cause pollution of waters unless adequate safeguards, approved by the Ohio Environmental Protection Agency are provided.

Section 280 RP-1 Residential Professional District

1. Principal Permitted Uses

- a. Residential. - Single-family detached dwellings or single-family detached dwellings which include the professional office of a doctor, dentist, lawyer, engineer, architect, or studio of an artist or photographer, or other member of a recognized profession, but not including schools of any kind with organized classes, or similar activity. That not more than 30% of the floor area of the dwelling (excluding basement) is devoted to such professional use. That not more than (1) person not a resident on the premises is employed, that no such use shall require structural alterations or involve construction features not customary in dwellings. That only one professional office or studio shall be permitted per zoning lot. That a free-standing sign not more than 12 square feet in area may be erected in the front yard provided that the sign meets the minimum required front yard for this District, and that said sign is in keeping with the architecture of the neighborhood.
- b. Institutional and Educational. Churches and other places of worship, not including funeral chapels or mortuary chapels; schools and institutions for academic instruction.
- c. Recreational. Public parks and recreation sites.

2. Conditionally Permitted Uses. The following uses shall be permitted only if expressly authorized by the Board of Appeals in accordance with provisions specified in Section 370.

- a. Two-Family, Three-Family and Four-Family Attached Dwellings. Two-family, three-family and four-family dwellings are regulated by the Board of Appeals in accordance with provisions specified in Section 370.
- b. Recreation. Private, non-commercial recreation areas and facilities such as swimming pools.
- c. Public Facilities and Utilities. Structures and installations which are necessary public facilities and utilities which require location in the RP-1 District.
- d. Nursery Schools and Day Care Centers.

3. Prohibited Uses. No building or structure located within the RP-1 District shall be used for any type of industrial purpose, nor shall any use be permitted which is not in harmony with the intent and purpose of this District.

4. Accessory Buildings and Uses. Accessory uses, buildings, or other structures customary and incidental to any aforesaid permitted uses shall be allowed, provided that such accessory building or use shall not involve any type of business, trade, manufacturing or industries.

5. Minimum Lot Area and Width. There shall be permitted zoning lots not less than nine thousand (9,000) square feet for a single-family dwelling and not less than two thousand five hundred (2,500) square feet per additional dwelling unit. No lot width shall be less than sixty-five (65) feet.

Section 280 (con't.)

6. Maximum Building Height. No dwelling shall exceed two and one-half (2.5) stories, or thirty-five (35) feet in height.
7. Minimum Yard Setbacks.
 - (1) Front - There shall be minimum depth of not less than twenty-five (25) feet.
 - (2) Side - There shall be a minimum width on either side of not less than eight (8) feet, with the combined width of both side yards to be not less than eighteen (18) feet.
 - (3) Rear - There shall be a minimum depth of not less than twenty-five (25) feet.
8. Required Off-Street Parking. Off-street parking shall be provided in accordance with the requirements specified in Section 310.

ARTICLE III

SUPPLEMENTAL REGULATIONS

Section 300 Conditions of Approval of Conditionally Permitted Uses

1. All conditionally permitted uses included in Article II District Regulations must be approved by the Board of Appeals and require the subsequent issuance of a Conditional Use Permit by the Zoning Inspector. The procedure for making application for a Conditional Use Permit is outlined in Article IV, Section 440.
2. Conditions for Approval and Locations for Conditionally Permitted Uses. Comprises a list of uses which are conditionally permitted in certain zoning districts of the City of St. Marys, Ohio, along with the specific conditions which apply to their approval, included in subsection 4 Specific Prior Conditions for Approval. Except where otherwise specified in subsection 4, the minimum regulations for a Conditionally Permitted Use shall be the same as the Principal Permitted Use in the District Regulations outlined in Article II.
3. Conditions for Approval and Locations for Conditionally Permitted Uses.

<u>Conditionally Permitted Uses</u>	<u>Zoning District Location</u>	<u>Conditions for Approval (See Subsection 4)</u>
Cemeteries	R-1, R-2, R-3, R-4	a-3, b-1, f, f-1, f-2, g, j
Drive-in or Carry-out Eating and Drinking Places	C-1, C-2, C-3	a-4, b-2, e, f, f-1, f-2, g, h, i, j, k
Drive-in Motion Picture Theaters	C-2	b-1, e, g, h, i
Fraternal Lodges and Private Clubs	R-5, C-3	a-1, b-1, e, f, f-1, f-2, g, h, i, j, k
Nursery Schools and Day Care Centers	R-1, R-2, R-3, R-4, R-5, C-2, C-3	a-1, a-2, b-2, d, e, f-2, g, h, i, j
Private Recreation	R-2, R-3, R-4, R-5	a-3, b-1, f, f-1, f-2, g, h, i, l
Rest Homes, Nursing Homes, and Convalescent Homes	R-5	b-1, e, f, f-1, f-2, g, h, i
Single Family Residences	C-1, C-2, C-3, C-4, R-5	a-5, b-2
Multiple Family Residences	C-1, C-2, C-3, C-4, R-3, R-4	b-2, m

Section 300 (con't.)

4. Specific Prior Conditions for Approval

- a. Minimum Lot Area
 - 1. One acre
 - 2. 110 sq. ft./child
 - 3. Three acres
 - 4. 10,000 sq. ft.
 - 5. 7,000 sq. ft.
- b. Minimum Yards (feet)

	<u>Front</u>	<u>Side Each</u>	<u>Rear</u>
1.	40	20	50
2.	25	10	25
- c. Building set back from building line:

40 feet
- d. Minimum gross floor area of principal building(s):

40 sq. ft./child
- e. Outdoor artificial lighting shall be approved by the Board of Appeals.
- f. Development Plan to be submitted with application.
 - 1. Landscape Development Plan to be submitted with application, including quantities, size and variations of landscaping.
 - 2. Six inch (6") high curb separating paved from unpaved portions of the lot.
- g. Twenty-five foot (25') distance between parking area and adjacent residential use.
- h. Acceptable relationship to a major street.

- i. Major street must be adequate to carry additional traffic generated by use.
- j. Two (2) principal entrances and/or exits from major street.
- k. Disposal of liquid and other wastes shall meet the approval of the pertinent health authorities.
- l. Swimming pool area must be protected from uncontrolled access by children by means of a wall or fence at least six feet (6') in height, and provided with a gate and lock.
- m. 12,500 (1) square foot first two (2) units, and 2,500 square feet for each additional unit. Minimum lot width shall be sixty feet (60').

Section 300.1 Automobile Car Washes

Automobile Car Washes are conditionally permitted in the C-1 and C-2 Commercial Districts provided they meet the requirements specified in Article II and the following conditions for approval:

- a. Refer to subsection 4 of this Section. Conditions for approval: e, h, i, and k.
- b. All washing facilities shall be included entirely within an enclosed building except that entrance and exit doors may be left open during the hours of operation.
- c. Vacuuming and/or steam cleaning equipment may be located outside, but shall not be placed in the front yard, a side yard facing a street, or in any yard adjoining an "R" District.
- d. The following hard-surfaced, dust-free, off-street parking shall be provided:
 - (1) Six (6) waiting spaces and two (2) storage spaces for each car washing device or stall; or ten (10) off-street waiting spaces for an assembly line type washing establishment where vehicles await entrance to the washing process.
 - (2) Two (2) employee parking spaces for every three (3) employees.
 - (3) Two (2) parking spaces at the exit end of each washing bay for drying and hand finishing of vehicles.
- e. A hard-surfaced exit drive not less than forty (40) feet in length shall be provided between the exit doors and the street.
- f. Mechanical drying equipment and/or hand drying of motor vehicles must be performed on the premises.
- g. A solid fence, wall or hedge six (6) feet high shall be required when an automobile car wash is adjacent an "R" District.

Section 300.2 Automobile Service Stations (No Repairs)

Automotive service stations which do no repair work are conditionally permitted in the C-4 Neighborhood Commercial District provided the following conditions are met:

- a. That the activities carried out at the station are limited to the selling and dispensing of petroleum fuel primarily to passenger vehicles, and to such accessory uses as the sale and installation of lubricants and incidental washing and polishing.
- b. The applicant shall submit a site development plan with the application for a Conditional Use Permit which satisfies the following requirements:
 - (1) The minimum lot size shall be 10,000 square feet.
 - (2) The minimum frontage shall be ninety (90) feet.

Section 300.2 (con't.)

- (3) There shall be two (2) separate driveways located along the frontage(s) providing both ingress and egress to and from the property. These separate driveways shall have a minimum distance of twenty (20) feet between the, and, shall not exceed thirty (30) feet in width at the curb line, nor twenty-four (24) in width at the property line. No such driveway shall be located closer than twenty-five (25) feet to an adjacent property line in any other Zoning District; and on corner lots shall not be located closer than thirty (30) feet to the intersection of the right-of-way lines of the two (2) streets.
- (4) All automobile service station buildings shall have a minimum front yard of forty (40) feet, and all gasoline pumps shall be set back a minimum distance of fifteen (15) feet from the front property line.
- (5) A fifteen (15) foot planting area shall be provided along all street frontage(s), exclusive of required driveways. Such required planting areas shall be planted in grass and/or landscaped and shall be maintained in good condition by the owner.
- (6) The entire lot area, exclusive of the area covered by the service station building, required driveways, and all required planting areas, shall be paved. All landscaped areas shall be separated from all paved areas by a six (6) inch high curb.
- (7) The light from the exterior lighting shall be so shaded, shielded or directed that the light intensity or brightness shall not be objectionable to surrounding areas.
- (8) No outdoor storage, disassembly or repair of motor vehicles shall be permitted. Storage of rental trucks, trailers or passenger vehicles shall not be permitted in the front yard.
- (9) A solid fence, wall or evergreen hedge six (6) feet high shall be constructed or planted where the automotive service station is located adjacent or adjoining an "R" Zoning District.

Section 300.3 Automobile Service Stations and/or Automotive Repair Garages

Automobile Service Stations and/or Automotive Repair Garages are conditionally permitted in the C-1 and C-2 Commercial Districts provided they meet the following outlined conditions for approval:

- a. The applicant shall submit a site development plan with the application for a Conditionally Use Permit which satisfies the following requirements:
 - (1) The minimum lot size shall be 12,000 square feet.
 - (2) The minimum frontage shall be one-hundred (100) feet.
 - (3) There shall be two (2) separate driveways located along the frontage(s) providing both ingress and egress to and from the property. These separate driveways shall have a minimum distance of twenty (20) feet between them; shall not exceed thirty (30) feet in width at the curb line, nor twenty-four (24) feet at the property line. No such driveway shall be located closer than twenty-five (25) feet to an adjacent property line in an R-Zoning District, nor ten (10) feet to an adjacent property line in any other Zoning District; and on corner lots shall not be located closer than thirty (30) feet to the intersection of the

Section 300.3 (con't.)

right-of-way lines of the two (2) streets.

- (4) All buildings shall have a minimum front yard of sixty (60) feet; and all gasoline pumps and other similar equipment shall be located a minimum distance of twenty (20) feet from the front property line.
- (5) A fifteen (15) foot planting area shall be provided along all street frontage(s), exclusive of required driveways. Such required planting areas shall be planted in grass and/or landscaped and shall be maintained in good condition by the owner.
- (6) All hydraulic lifts, oil pits, and all lubricants, greasing, automobile washing and repair equipment shall be enclosed entirely within a building.
- (7) The entire lot area, exclusive of the area covered by the building, required driveways, and all required planting areas, shall be paved. All landscaped areas shall be separated from all paved areas by a six (6) inch high curb.
- (8) The light from the exterior lighting shall be so shaded, shielded or directed that the light intensity or brightness shall not be objectionable to surrounding areas.
- (9) A landscaped grass buffer, planted with an evergreen hedge or evergreen shrubs at least six (6) feet in height shall be provided along property lines which are adjacent an R-District.
- (10) No outdoor disassembly or repair of motor vehicles shall be permitted. Storage of rental trucks, trailers of passenger vehicles shall not be permitted in the front yard. No more than one (1) automobile per repair bay in current use shall be permitted to be stored on the premises.

Section 300.4 Junk Yards, Salvage Yards, and Automobile Wrecking Yards

Junk yards, salvage yards, and automotive wrecking yards are conditionally permitted in the I-1 General Industrial District provided they meet the following outlined conditions for approval:

- a. The applicant shall submit a site location map with the application for a Conditional Use Permit showing that the proposed site meets the following outlined conditions for approval.
 - (1) The site shall contain a minimum of five (5) acres.
 - (2) The site shall have adequate access onto a hard surfaced highway or street that is regularly maintained.
 - (3) All interior drives shall be paved and regularly maintained.
 - (4) The site shall be located a minimum distance of:
 - (a) One hundred (100) feet from any highway or street frontage.

Section 300.4 (con't.)

- (b) Five hundred (500) feet from any R-District.
- (5) The site shall be entirely surrounded by a solid fence or wall at least six (6) feet in height. A ten (10) foot wide planting area shall be provided and landscaping in front of the required fence or wall. Such fence or wall and required planting area shall be maintained in good condition by the owner.
- (6) Stacking of motor vehicles shall not exceed five (5) feet in height.

Section 300.5 Adult Entertainment Facilities

1. Adult Entertainment Facilities are conditionally permitted in a C-2 (General Commercial District) provided they meet the requirements specified in Article II and the following conditions for approval:

- a. No adult entertainment facility shall be located within five hundred (500) feet of any R-District.
- b. No adult entertainment facility shall be located within a radius of one thousand (1000) feet of any school, library, or teaching facility that is attended by persons under eighteen (18) years of age.
- c. No adult entertainment facility shall be located within a radius of one thousand (1000) feet of any park or recreational facility attended by persons under eighteen (18) years of age.
- d. No adult entertainment facility shall be located within a radius of one thousand (1000) feet of any permanently established place of religious services.
- e. No adult entertainment facility shall be located within a radius of one thousand (1000) feet of any day care center or any type A or B family day care home as established by the Ohio Revised Code.
- f. No adult entertainment facility shall be located within a radius of one thousand (1000) feet of any other adult entertainment facility.
- g. No adult entertainment facility shall be located within a radius of one thousand (1000) feet of any two of the following:
 - 1. Cabarets, clubs, or other establishments which feature adult type of entertainment.
 - 2. Establishments for the sale of beer or intoxicating liquor for consumption on the premises.
 - 3. Pool or billiard halls.
 - 4. Pinball palaces or halls.
 - 5. Dance halls or discotheques.
 - 6. Massage parlors.

Section 300.5 (con't.)

7. Video arcades, or establishments known by other descriptions, which provide video games and/or other games for entertainment attended or participated in by persons under eighteen (18) years of age.
- h. Measurement Standards - distances shall be measured from the property lines of any lot or parcel of land on which an adult entertainment facility is located and the location from which a distance of separation is specified in items (a) through (g) of this section.
- i. 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 public areas, semi-public areas, or quasi-public areas.
- j. All building openings, entries, windows, etc. for adult use shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any sidewalk, or any street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from any public, semi-public, or quasi-public areas.
- k. No screens, speakers, or sound equipment shall be used for any adult motion picture theater, or other adult entertainment facility that can be seen or discerned by the public from any public, semi-public, or quasi-public areas.
- l. Adult entertainment facilities shall be open to the public only between the hours of 7:00 p.m. and 2:30 a.m.
- m. The establishment of an adult entertainment facility shall include the opening of such business as a new business, the relocation of such business, or the conversion of an existing business location to any of the uses defined to constitute an adult entertainment facility.

Section 300.6 Warehousing (1)

1. Warehouses are conditionally permitted in a C-2 General Commercial District provided:
 - a. The Warehousing facility contains no more than 6 loading docks.
 - b. The loading docks shall not be located in a front yard.
 - c. There shall be a separate entrance for the office area that reflect the appearance of a commercial storefront or office type building.
 - d. There shall be no commercial truck and/or trailer parking in a front yard.
 - e. There shall be no outside storage of equipment, material or product.
 - f. Outside storage of newly produced vehicles, recreational vehicles, recreational trailers, boats and like product is allowed provided the following:

(1) Ordinance 2018-11, Effective 6/25/18

Section 300.6 Warehousing (con't.)

1. Outside storage shall be in a rear and side yard only of an existing commercial structure. The storage area shall meet building setbacks of a C-2 zone.
2. Outside storage shall be enclosed with a privacy type fence with a minimum height of six (6) feet.
3. Outside storage shall comply with Section 325 Design Standards for Off-Street Parking and Loading/Unloading. (2)

Section 310 Off-Street Parking Requirements

1. General Requirements. All buildings, structures and uses shall provide off-street parking in accordance with the provisions specified herein:
 - a. All applicants for a Zoning Permit, Conditional Use Permit or development plan approval for a Planned Unit Development or Mobile Home Park shall include with their application a plot plan drawn to scale showing to the location and arrangement of any off-street parking and planting areas required by this Ordinance. In addition, said plot plan shall show:
 - (1) North arrow.
 - (2) Scale.
 - (3) Location, dimensions, and labeling of all existing driveways, buildings, paved areas, fences, roof overhangs, streets and alleys, and sidewalks.
 - (4) Location and labeling of all fire hydrants, trees and other objects on public property along the site boundaries.
 - (5) All necessary profile and elevations to insure that grades and drainage are adequately handled.
 - (6) Location of all required planting areas, and the type and location of plant materials to be used in the required landscaping.
 - b. At least one (1) required parking space for each residential use must be within a garage structure with a minimum of three (3) sides enclosed and which compliments the architectural style of the residential structure it services.
 - c. Except for dwellings, no off-street parking area provided hereunder shall be less than one thousand fifty (1,050) square feet in area. Parking spaces located within a garage structure, or on a driveway (exclusive of sidewalk, driving lanes, and driveway apron) may be computed as off-street parking spaces.
 - d. All required off-street parking areas shall be solely for the parking and loading and unloading of operable motor vehicles, of patrons, occupants, or employees of such uses and are not to be used to store inoperative vehicles or for motor vehicle repair work or service of any kind, except for emergency repairs.

(2) Ordinance 2019-29, Effective 12/30/19

Section 310 (con't.)

- e. Each required off-street parking or loading space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such space. Such aisle or driveway shall not be used for the parking of other vehicles, except that the driveway of a single family residence may be counted as one parking space.
- f. All open off-street parking areas shall be separated from public rights-of-way by a space at least five (5) feet in width, and a six (6) inch high curb shall be provided on the parking lot side of the five (5) foot width. All open off-street parking areas shall be separated from the principal building by a six (6) inch high curb so as to maintain unobstructed a three (3) foot corridor between the building and the parked vehicle.
- g. An unobstructed cone of vision shall be provided at exits from parking lots and/or garages so that pedestrians and other vehicular traffic can be properly seen. This cone shall be determined by a point eight (8) feet behind any sidewalk or walk area or a point twenty (20) feet from the edge of the through roadway, whichever provides the larger field of vision. Any landscaping, fencing, or walls located closer than eight (8) feet from the nearest sidewalk line or twenty (20) feet from the nearest roadway edge shall not exceed twenty-four (24) inches in height along any side having a driveway exit to a street.
- h. The parking of a recreational vehicle, boat trailer, and/or boat, travel trailer, or utility trailer in a residential area for 48 hours or longer is prohibited except when:
 - (1) Such vehicle is intended for pleasure purposes and is not part of a business; and
 - (2) Such vehicle is uninhabited; and
 - (3) Such vehicle is parked in the rear or side yards; and
 - (4) Such vehicle is at least five (5) feet from any adjoining property line.
 - (5) A variance from the provisions of this paragraph 310 h. may be approved by the Zoning Board of Appeals subject to the following restrictions on said variance:
 - (i) Such variance to be personal in that it shall be non-transferable and shall only attach to that particular location for that particular vehicle and/or trailer.
 - (ii) That a variance may be granted only for a vehicle and/or trailer which is acquired prior to the effective date of this amendment; and that the person applying for the variance was residing at the location for which the variance is sought at the time of the effective date of this amendment.
 - (iii) That it can be shown that there is no physical access to any place on a lot which will permit the applicant for the variance to comply with the provisions of paragraphs (1) through (4) above.
 - (iv) That the variance shall be for a time period for each year lasting from April 1 until October 1.

Section 310 (con't.)

(v) That the Board of Appeals shall take into consideration in granting a variance the following items: size of the unit to be parked on driveway, visibility for the pedestrian and the driver, traffic patterns and volumes, speed limit, pedestrian safety and in addition such other items that they deem necessary to make a decision.

2. Specific Requirements. Off-street parking spaces shall be provided in all zoning districts in accordance with the schedule outlined below. Requirements for any use not specified in this Ordinance shall be the same as for a similar permitted use in the particular zoning district, as determined by the Zoning Inspector.

<u>Use</u>	<u>No. of Spaces Required</u>
a. Dwelling and Lodging Uses:	
One, Two, Three, Four and Multiple-Family Dwellings.	2.0 parking spaces per dwelling unit.
Housing for the Elderly	1.0 covered parking space per dwelling unit (1)
Motels	1.2 parking spaces for each sleeping room plus parking spaces as required for restaurants, assembly room and related facilities.
Residential Professional (RP-1)	In addition to the off-street parking spaces required for dwelling units, there shall be one (1) additional off-street parking space for each two hundred fifty (250) square feet of the floor area of the residence structure which is devoted to a professional use, but not less than two (2) spaces. In addition to the above off-street parking requirements, there shall be one (1) off-street parking space for the non-resident employee of a recognized professional.
b. Business and Commercial:	
Agricultural Implement Sales and Service	1.0 parking space for every 1,000 sq. ft. of enclosed floor area and 1.0 for every 3,000 sq. ft. open lot area.
Air Conditioning/Heating/Plumbing/Roofing Services	1.0 parking space for every business vehicle and 1.0 parking space for every 300 sq. ft. of floor area.

(1) Ordinance 90:05, Effective 3/29/90

Section 310 (con't.)

<u>Use</u>	<u>No. of Spaces Required</u>
Bakery Shops, Furniture and Appliance Stores, Groceries and Supermarkets, Hardware Stores, Ice Cream Stores, Indoor Retail Businesses, Pet Shops, Repair Shops, Skating Rinks, Variety Stores.	1.0 parking space for every 200 sq. ft. of floor area. (1)
Banks and Savings and Loan Associations	1.0 parking space for every 200 sq. ft. of floor area plus 1.0 parking space for every employee.
Equipment Rental	1.0 parking space for every 1,000 sq. ft. of floor area.
Funeral Home	Not less than 25 spaces with 1.0 parking space per every 50 sq. ft. of public floor area plus employee and business vehicle parking.
Home Occupation	1 additional parking space.
Laundromat	1 space for each two washing or cleaning machines.
Restaurants: Carry-out Restaurants	1.0 parking space for every 90 sq. ft. of floor area with a minimum of 15 spaces.
Drive-in Restaurants	1.0 parking space for every 30 sq. ft. of floor area with a minimum of 15 spaces.
Sit-down Restaurants	1.0 parking space for every 50 sq. ft. of floor area.
Service Stations	1.0 parking space for each employee plus 2.0 parking spaces for each service stall with a minimum of 6.0 parking spaces.
Used Car Sales	2.0 off-street spaces for the first 10 vehicles or part thereof offered for sale upon the lot, and 1.0 space for each 10 cars additional or part thereof offered for sale upon the lot. (1)

(1) Ordinance 90:05, Effective 3/29/90

Section 310 (con't.)

	<u>Use</u>	<u>No. of Spaces Required</u>
c.	Office:	
	Administrative or Business Offices	1.0 parking space for every 250 sq. ft. of office space but not less than 2.0 parking spaces for every office.
d.	Medical and Health:	
	Nursing Homes, Shelter Care Homes, Rest Homes, Convalescent Homes.	1.0 parking space for every four (4) beds.
	Hospitals	1.0 space for every two (2) beds plus 1 space for each two (2) employees and staff on the combined major work shifts.
	Dental Clinics and Offices	2.0 spaces for each examination or treatment room, plus one (1) space for each doctor and other employees.
e.	Education:	
	Elementary and Junior High Schools (public or private).	1.0 parking space for every twenty-five (25) classroom seats, or 1.0 parking space for every three and one-half (3.5) seats in the main auditorium, whichever is greater.
	High Schools (public or private)	1.0 parking space for every five (5) students based upon maximum design capacity of the building, or 1.0 parking space for every five (5) seats in the main auditorium, whichever is greater.
	Kindergartens	3.0 parking spaces for every ten (10) children.
	Nursery Schools and Day Care Centers	2.0 parking spaces for every ten (10) children.

Section 310 (con't.)

<u>Use</u>	<u>No. of Spaces Required</u>
f. Recreation, Civic and Religious:	
Bowling Alleys	3.0 parking spaces for each bowling alley plus such additional space as may be required for affiliated uses.
Private Club or Lodge or Assembly Halls without fixed seats; Veterans, business, civic and fraternal organizations.	1.0 parking space for every 50 sq. ft. of floor area in the auditorium, assembly or meeting room plus 1.0 parking space for every 200 sq. ft. for other floor area.
Auditoriums, Assembly Halls, Sports Arenas with fixed seats.	1.0 parking space for every 3.5 seats.
Libraries, Museums, Art Galleries.	1.0 parking space for each 300 sq. ft. of floor area.
Places of Public Assembly including Churches, Synagogues, Gymnasiums.	1.0 parking space for every five (5) seats.
Recreation and Amusement Facilities.	1.0 parking space for every five (5) customers (maximum capacity) and 1.0 parking space for every two (2) employees.
Theaters	1.0 parking space for every 3.5 seats.
g. Industrial and Warehousing:	
Industrial and manufacturing plants and wholesale establishments.	1.0 parking space per employee. If more than one (1) shift, use combined total of employees of the first two (2) shifts. In addition to employee parking, visitor parking shall be provided with 1.0 space per 6,000 sq. ft. of floor area up to a maximum of fifteen (15) visitor spaces being required. (1)
Warehouse Establishments.	1.0 parking space per every 10,000 sq. ft. of floor area; plus 1.0 parking space per every two (2) employees on the combined work shifts.

(1) Ordinance 90:05, Effective 3/29/90

Section 320 Off-Street Loading and Unloading

1. General Regulations. In connection with every building or part thereof hereafter erected, except dwellings, there shall be provided, on the same lot with such buildings, off-street loading spaces or berths, for uses which customarily receive or distribute material or merchandise by vehicle. Requirements for any use not specified in this Zoning Ordinance shall be the same as for a similar permitted use in the particular zoning district, as determined by the Zoning inspector.
 - a. If the commercial or industrial establishments are such that shipping and/or receiving goods are not an integral part of the business, the requirements listed below may be varied or waived by the Zoning Inspector.
 - b. All applicants for a Zoning Permit or Conditional Use Permit shall submit, on the required plot plan showing off-street parking locations, plans depicting the dimensions and locations of off-street loading facilities required by this Ordinance.
 - c. All required loading spaces and facilities shall be located off-street on the same lot as the building or use being served, and may occupy all or part of any required side or rear yard area except that no loading area shall be located closer than fifty (50) feet to any lot in an "R" District.
 - d. Loading facilities shall be designed so that trucks do not back in or out of major streets, or use any major street for parking.
 - e. Truck facilities shall include off-street parking areas for trailers awaiting pick-up, or arriving after hours.

2. Specific Requirements

<u>Use</u>	<u>No. of Spaces Required</u>
a. Business and Commercial	1.0 loading space for first 10,000 sq. ft. of floor area; and 1.0 loading space for each additional 20,000 sq. ft. of floor area.
b. Office	1.0 loading space for the first 2,500-75,000 sq. ft. of floor area and 1.0 loading space for each additional 25,000 sq. ft. of floor area.
c. Medical and Health	Hospitals (same as "b" above); office clinics, nursing homes
d. Manufacturing, Industrial and Warehousing Uses:	
Industrial Plant	1.0 loading space per every 10,000 sq. ft. of floor area.
Warehouse and Wholesale Establishments	1.0 loading space per every 7,500 sq. ft. of floor area.

- a. Dimension. Each parking stall shall be a minimum size of ten (10) feet by twenty (20) feet exclusive of aisles, drives and obstructions. Aisles shall be twenty-four (24) feet minimum for two-way traffic with parking on both sides and twenty (20) feet minimum for one-way traffic with parking one or both sides. Head-in parking should allow three (3) feet of car overhanging adjacent to a building or curb. Rear overhang normally amounts to 4 ½ feet. In all cases, a minimum clear distance of three (3) feet shall be provided when parking is adjacent to a building.

Each off-street loading space for over-the-road tractor trailers shall include a twelve (12) foot stall (fourteen (14) feet desirable), sixty (60) foot stall depth, sixty (60) foot maneuvering apron and a fifteen (15) foot vertical clearance. For City delivery trucks, a twelve (12) foot stall width, thirty (30) foot depth, thirty (30) foot apron, and a twelve (12) foot vertical clearance shall be provided.

Driveways having relatively high volumes of large trucks shall be provided with radii of twenty-five (25) feet plus widths of thirty (30) to forty (40) feet so that entry and exit can be made without encroachment beyond the curb lane of the abutting street.

- b. Surfacing. All open parking and loading spaces (except a required parking space accessory to a single-family dwelling), shall be graded and provided with a hard surface of bituminous asphalt or portland cement concrete. All paved areas shall be separated from all unpaved areas by six (6) inch high curbing. The requirement for 6 inch high curbing shall not apply to any industrial use as per Section 260.(1)
- c. Drainage. All open, off-street parking and loading areas shall be provided with adequate drainage facilities as approved by the Service Director in order to ensure that storm water does not flow into abutting property or abutting sidewalks in such a way or quantity that adjoining property owners or users of the sidewalk would be detrimentally affected or inconvenienced.
- d. Screening and Landscaping. When any open off-street parking or loading area used for any non-residential purpose containing more than two (2) spaces is not separated from a residential district by a dedicated street, an effective buffer or screen, consisting of a solid wall, fence, landscaped earthmound, or view-obscuring dense planting of evergreen shrubs, hedge tree-line, mass tree planting, or various combinations thereof, shall be provided at the lot lines adjoining said residential district to protect the privacy of the adjoining residential uses. Such wall, fence, or earthmound, shall be not less than four (4) feet or more than six (6) feet in height, or may be high if necessary to provide visual privacy for the adjacent residential property owner, and shall be maintained in good condition by the owner. Exception to this height requirement occurs at the immediate exit point from the parking or loading area.

Where required parking areas are developed in the front yard, or along street frontage, an eight (8) foot planting area shall be provided between the property line(s) and the parking area(s). Said planting area shall be planted with grass or evergreen ground cover and shall be landscaped with flowers, trees and/or shrubs and be maintained in good condition by the owner. Plantings which are diseased or dead shall be removed and replaced with healthy specimens. (1)

(1) Ordinance 90:05, Effective 3/29/90

Section 325 (cont'd)

All off-street parking or loading areas which provide parking spaces for fifteen (15) vehicles or more shall have planting areas incorporated into their design. A minimum area equal to five (5) percent of the total paved parking lot area shall be provided, with no individual planting area consisting of less than two hundred (200) sq. ft., or having a minimum dimension less than ten (10) feet. Such areas shall be located so as to break up the visual appearance of the parking lot, and shall be shown on the plans which are submitted by the applicant for a Zoning Certificate, Application for Development Plan Approval or Conditional Use Permit in accordance with the provisions specified in this Zoning Ordinance. All such planting areas shall be separated from paved areas by means of a six (6) inch high curb.

All open off-street parking or loading areas which are unusable, either for parking or for traffic, shall be maintained in good condition by the owner. Plantings which are diseased or dead shall be removed and replaced with healthy specimens. All tree lawns shall be landscaped and/or planted with grass, and maintained in good condition by the owner, in such a way as to clearly distinguish their separation from adjacent public streets or private drives.

Section 330 Performance Standards Relative to Nuisance Values

The following minimum standards shall apply to all uses in the I-1 Industrial District and the C-2 General Commercial District:

1. Fire and Explosion Hazards. All activities, including storage, involving flammable or explosive materials shall include the provision of adequate safety devices against the hazard of fire and explosion, such safety devices being standard in the industry. Burning of waste materials in open fire is prohibited at any point.
2. Fly ash, dust, fumes, vapors, gases, and other forms of air pollution. No emission of air pollutants shall be permitted which violate the minimum federal requirements as enforced by the Environmental Protection Agency. Dust and other airborne pollutants shall be minimized through the paving, oiling, or landscaping of the lot area around any building.
3. Glare, Heat and Exterior Light. Any operation producing intense light or heat, such as high temperature processes like combustion, welding, or otherwise, shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted. No exterior lighting shall be positioned so as to extend light or glare onto adjacent properties or rights-of-way.
4. Liquid or Solid Wastes. No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment, or otherwise cause the emission of dangerous or offensive elements, shall be permitted, except in accord with standards approved by the Ohio Environmental Protection Agency or such governmental agency as shall have jurisdiction of such activities.

5. Noxious Gases. Processes and operations of permitted uses capable of dispersing gases or toxic particulates into the atmosphere shall be hooded or otherwise suitably enclosed. The emission of such toxic gases or particulate matter shall be from a stack.
6. Vibrations. No uses shall be located and no equipment shall be installed in such a way to produce intense, earth-shaking vibrations which are discernable without instruments at the property lines of the subject premises.

Section 340 Design Standards and Procedures for Approval of R-PUD Planned Unit Developments

1. Design Standards. Unless otherwise specified herein, the design standards for lot area, coverage, density, yard requirements, parking and screening for a proposed Planned Unit Development in the R-PUD District shall be governed by the standards of the “R” Zoning District(s) most similar in nature and function to the proposed R-PUD District Use(s), as determined by the Planning Commission. Exceptions to these standards may be granted by the City Council upon the recommendation of the Planning Commission when these bodies find that such exceptions encourage a desirable living environment and are warranted in terms of the total Planned Unit Development. Standards for public improvements shall be governed by all applicable ordinances and laws of the City of St. Marys, Ohio.
2. Minimum Yard Requirements. Subsequent to receiving the approval for an R-PUD Planned Unit Development District from the City Council, the owner/developer(s) shall establish all lot sizes and front, side and rear yard setbacks in the detailed Final PUD Plan(s) for the proposed Planned Unit Development. Such setbacks may vary from the regulations of the City of St. Marys, Ohio, relating to the platting and subdividing of land subject to the review and approval of the Planning Commission.
3. Required Common Open Space. There shall be reserved, within the tract to be developed on a planned unit basis, a minimum land area of twenty (20) percent of the entire tract for use as common open space. This common open space shall not consist of isolated or fragmented pieces of land which would serve no useful purpose. Included in this common open space may be such uses as pedestrian walkways, parkland, open area, drainage ways, swimming pools, clubhouses, tennis courts, and other lands of essentially open character, exclusive of off-street parking areas. Ownership of this common open space shall be transferred to a legal entity and proper legal documents necessary for such transfer or dedication shall be prepared by the owner/developer(s) of the tract of land, and approved by the City Council. At the option of the City, this common open space may become a part of the park and open space system of the City of St. Marys, Ohio.
4. Required Contents of the Preliminary PUD Plan. The owner/developer(s) is encouraged to engage in informal consultation with the Zoning Inspector and Planning Commission prior to preparing his Preliminary PUD Plan, it being understood that no statement or representation by the Zoning Inspector or Planning Commission shall be binding upon the City Council. The owner/developer(s) of the tract of land to be developed on a planned unit basis shall prepare a Preliminary PUD Plan and shall submit eight (8) copies of this Preliminary PUD Plan along with an Application for Change of Zoning District to the City of St. Marys Planning Commission for its consideration.

The Preliminary PUD Plan shall include the following items:

- a. Boundaries of the tract to be developed on a planned unit basis.
 - b. Base mapping of the tract showing the physical features, such as topography, drainage ways, water bodies, trees over four (4) inch caliper trunk measured four (4) feet above the ground and all species native or indigenous to the area, and existing land uses.
 - c. Highways and streets in the vicinity of the tract, and the ingress and egress to the tract.
 - d. Location of different general land use areas proposed to be developed.
 - e. Proposed density levels of each residential area.
 - f. Proposed treatment of existing topography, drainage ways, and tree cover.
 - g. Proposed general location of major vehicular circulation, showing how this circulation pattern relates to the Official Thoroughfare Plan of the City of St. Marys, Ohio.
 - h. Location of schools, parks and other community facility sites, if any.
 - i. Time schedule of projected development, if the total landholding is to be developed in stages, or if construction is to extend beyond a two (2) year time period.
5. Conditions for the Approval of the Preliminary PUD Plans. Upon receipt of the report of the Planning Commission, the City Council shall study and review the proposed R-PUD Application and Preliminary PUD Plan on the basis of (1) that all requirements have been satisfied, and (2) finding that the following specific conditions are fully met.
- a. That the R-PUD District is in conformance with the Comprehensive Plan for St. Marys, Ohio.
 - b. That each individual stage of development shall not exceed the maximum density allowed for the Planned Unit Development landholding as a whole.
 - c. That the Use(s) proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under other zoning districts.
 - d. That the areas proposed shall be used only for residential purposes and the usual accessory uses such as garages, storage space, parks, recreation sites or open spaces.
 - e. That the internal streets and major and minor streets that are proposed shall properly interconnect with the surrounding existing major and minor streets as designated in the Official Thoroughfare Plan of the City of St. Marys, Ohio.

- f. That the minimum common open space area(s) has been designated and shall be duly transferred to a legal entity as herein provided.
 - g. That the Preliminary PUD Plan is consistent with the intent and purpose of this Zoning Ordinance, to promote public health, safety and general welfare of the residents of the City of St. Marys, Ohio.
6. City Council Action. After reviewing the recommendation of the Planning Commission, the City Council shall advertise and hold a public hearing of the proposed Planned Unit Development, in accordance with the provisions specified in this Zoning Ordinance. Approval of the Preliminary PUD Plan shall be limited to the general acceptability of the land uses proposed, proposed general density levels and their interrelationship, and shall not be construed to endorse precise location of uses, configuration of parcels, or engineering feasibility which are to be determined in the subsequent preparations of the detailed Final PUD Plan(s). Approval of the Preliminary PUD Plan shall constitute the creation of a separate R-PUD Planned Unit Development Zoning District, and shall require a favorable vote of the majority of the membership of the City Council. In taking action, City Council may deny the Preliminary PUD Plan or may recommend approval of said plan subject to specified modifications.
7. At the time of adopting any ordinance establishing an R-PUD District, the Council shall make appropriate arrangements with the owner/developer(s) which will ensure the common open space as shown on the approved Preliminary PUD Plan.
8. Time Limits and Extensions. The approval of the Preliminary PUD Plan shall become null and void and the land shall revert to its former zoning classification, unless the Final PUD Plan for the first section of the planned unit landholding has been formally approved by the Planning Commission within two (2) years of the date of approval, in accordance with the conditions for approval specified in Items 9 through 11 of this Section, and unless the final Subdivision Plan, where applicable, shall have been recorded in the Office of Auglaize County Auditor.
- a. An extension of time limit or the minor modification of the Preliminary PUD Plan may be approved by the City Council. Such approval shall be given upon a finding of the purpose and necessity for such extension or minor modification; the evidence of reasonable effort toward the accomplishment of the Preliminary PUD Plan; and the recommendation of the Planning Commission.
9. Required Contents of the Detailed Final PUD Plan(s). Once the R-PUD Zoning District and the Preliminary PUD Plan have been approved by the City Council, the owner/developer(s) shall proceed with the preparation of the detailed Final PUD Plan(s). The detailed Final PUD Plan(s) must be reviewed and approved by the Planning Commission prior to the issuance of any Zoning Certificate(s) by the Zoning inspector.

Section 340 (con't.)

The detailed Final PUD Plan(s) shall be prepared for the owner/developer(s), and shall bear the original signature and/or original seal of the professionally competent urban planner, professional engineer, architect or landscape architect; shall be in accordance with the approved Preliminary PUD Plan; and shall include the following:

- a. Survey of the tract to be developed showing existing physical features (general topography, drainage ways, and tree cover) and streets, easements and utility lines.
 - b. Detailed site plans showing lot lines, building outlines, off-street parking spaces, pedestrian walkways, vehicular circulation.
 - c. Preliminary building plans, including floor plans and exterior elevations.
 - d. Landscaping plans including quantity, size and varieties of landscaping.
 - e. Specific detailed engineering plans, including site grading, street improvements, drainage and utility improvements, and extensions as necessary.
 - f. All necessary legal documentation relating to the organization or the legal entity created for the purpose of maintaining the required common open space included within the Planned Unit Development.
 - g. Copies of any restrictive covenants that are to be recorded.
 - h. The Planning Commission shall have the authority to require changes in the Detailed Final PUD Plan(s), when in their opinion it is for the health, safety and welfare of the community to preserve the character of the surrounding area.
10. Major Changes. Should the formulation of the detailed Final PUD Plan(s) for any section of the total Planned Unit Development landholding necessitate a major change in the approved preliminary PUD Plan, reconsideration and approval by the Council shall be required in accordance with the procedures specified in Article III, Section 340. Major changes shall include, but not be limited to:
- a. An increase in density.
 - b. Changes in the outside boundaries of the Planned Unit Development Landholding.
 - c. Major changes in the location or amount of land uses, including open space.
 - d. Major changes in the internal street and thoroughfare locations or alignments.

Section 340 (con't.)

11. Conditions for the Approval of the Detailed Final PUD Plan(s). Upon receipt of the detailed Final PUD Plan(s) for each section of the Planned Unit Development Landholding, the Planning Commission shall study and review the detailed Final PUD Plan(s) and shall approve, modify, or disapprove the plan(s) on the basis (1) that all requirements have been satisfied, and (2) finding that the following specific conditions are fully met:
 - a. That the proposed detailed Final PUD Plan(s) for the individual section(s) of the overall R-PUD District are in conformance with the approved Preliminary PUD Plan, and the Comprehensive Plan map and text of the City of St. Marys, Ohio.
 - b. That each individual stage of the Planned Unit Development can exist as an independent planned unit which is capable of creating an environment of sustained desirability and stability, or that adequate assurance will be provided that such objective can be obtained.
 - c. That any part of the Planned Unit Development not used for structures, parking and loading areas, or streets, shall be landscaped or otherwise improved; or if approved by the Planning Commission, left in its natural state.
 - d. That any exception from the standard requirements of this Ordinance are warranted by the design and amenities incorporated in the detailed Final PUD Plan(s), in accordance with the adopted policy of the Planning Commission and the City Council.
 - e. That the internal streets and thoroughfares proposed are suitable and adequate to accommodate the anticipated traffic within and through the development.
 - f. That the detailed Final PUD Plan(s) is consistent with the intent and purpose of this Zoning Ordinance to promote public health, safety and general welfare of the residents of the City of St. Marys, Ohio.
12. Subdivision of a Completed Planned Unit Development. All future subdivisions of a completed Planned Unit Development shall be first reviewed and approved by the Planning Commission to assure that each subdivided area of the development includes the parking, open space, density, and other similar necessary requirements.

Section 350 Standards and Procedures for Approval of R-MHP Mobile Home Parks

The Standard and Procedures for the approval of an R-MHP Mobile Home Park Development Plan are specified in Article II, Section 235, and as follows:

1. General Provisions
 - a. No one may apply for a Zoning Certificate and Building Permit for a Mobile Home Park without first obtaining approval from the Ohio Environmental Protection Agency.
 - b. Mobile homes, travel trailers, boats and house vehicles shall not be used as living quarters, except that mobile homes may be occupied within a mobile home park.

- c. Any mobile home in a mobile home park must be permanently affixed to the ground. It shall be unlawful to occupy or sleep in any mobile home unless it meets the requirements of this Section, and those stated in Article II, Section 235 of these Zoning Regulations.
2. Requirements and Filing Procedures for Mobile Home Parks. The owner/developer(s) shall file a Mobile Home Park Plan for proposed mobile home park with the Planning Commission. The Mobile Home Park Plan shall include and specify the information required in this Section and in Article II, Section 235 of this Zoning Ordinance, and shall contain the following text and map information:
 - a. The proposed location, site size, total number of mobile home sites to be developed, the production schedule for the development.
 - b. Proposed location, size and use of the non-residential portions of the tract, including usable open space, parklands, playgrounds and other areas and spaces, including their suggested ownership.
 - c. Proposed provisions for water, sanitary sewer, surface drainage and fire protection facilities, including engineering feasibility studies or other pertinent information.
 - d. Proposed traffic circulation pattern, including location of public and private streets, walks and other access ways showing their relationship to existing streets and topographic features.
 - e. Information on the use or re-use of existing features such as topography, drainage ways, tree cover, structures, streets and easements.
 - f. Names and addresses of the owners of all properties lying within two hundred (200) feet of any part of the R-MHP tract proposed for development approval.
 - g. Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and/or maintenance of the Mobile Home Park tract.
 3. Design Standards. The tract of land to be developed as a mobile home park shall contain a minimum of ten (10) acres said tract being served by public water and sanitary sewers.

Before a mobile home park may be occupied, it shall be a condition that at least one-third (33-1/2 percent) of the mobile home lots be completed and ready for occupancy, which completion shall include, but not be limited to, the installation of all roadways and drives, sidewalks, lighting, public utilities, service and management buildings serving the sites to be occupied. Before any site may be occupied, all facilities required for serving the site with emergency vehicles shall be completed.

- a. Every mobile home hereafter placed in a mobile home park shall be on a space or lot having an area of not less than five thousand (5,000) square feet; and every mobile home park shall contain a density of not more than six (6) mobile homes per “gross” acres.

- b. Each mobile home dwelling, including accessory buildings, garages and porches, shall not cover more than forty (40) percent of the area of the mobile home space or lot on which it is placed.
- c. Every mobile home placed on a mobile home space or lot shall front upon an interior drive within the mobile home park.
- d. Every mobile home dwelling hereafter placed upon a mobile home space or lot shall have a total ground floor area of not less than six hundred (600) square feet measured from the outside exterior walls including utility rooms, but excluding open porches, breezeways and garages.
- e. Height. No mobile home, accessory or related use shall exceed one (1) story or fifteen (15) feet in height.
- f. Yard Requirements. No mobile home shall be placed on a mobile home space or lot unless the following yards are provided and maintained in connection with such mobile home dwellings:
 - (1) Front Yard. Each mobile home space or lot shall have a front yard of not less than fifteen (15) feet along a public street or alley, and not less than ten (10) feet from any interior street or common drive within the mobile home park.
 - (2) Side Yard. Each mobile home space or lot shall have a side yard on each side of not less than three (3) feet,
 - (3) Rear Yard. Each mobile home space or lot shall have a rear yard of not less than ten (10) feet, excepting any rear yard abutting an exterior lot line of the mobile home park shall be not less than twenty (20) feet.
- f-1. Spacing Requirements. In addition to the above yard requirements, the following spacing of mobile homes shall be required:
 - (1) A distance of not less than twenty (20) feet for mobile homes placed side to side.
 - (2) A distance of not less than fifteen (15) feet between the end of any mobile home and the side of any mobile home.
 - (3) A distance of not less than ten (10) feet for any mobile homes placed end to end.

In computing these distances auxiliary rooms, garages, and covered porches attached to the mobile home shall be considered part of the mobile home.

g. Streets, Sidewalks, and Parking

- (1) Every mobile home park shall provide a main entrance drive not less than thirty-six (36) feet wide. All other drives shall be of a width and design necessary for the use required as determined by the Service Director, except that no interior street shall have a usable travel width of less than twenty-four (24) feet.
- (2) All interior streets shall be protected at the edges by curbs, gutters, or other suitable edging as necessary to provide for the stabilization of the pavement, and adequate drainage.
- (3) All mobile home spaces or lots shall abut at a minimum, a common driveway of not less than eighteen (18) feet wide.
- (4) Every mobile home park shall contain common walkways not less than three (3) feet wide where pedestrian traffic is concentrated for the safety and convenience of the pedestrian. Driveways not including walks shall be graded in such manner that walks can be added later. Individual walks from each mobile home stand to its paved parking shall also be provided.
- (5) Within the boundary of each mobile home space or lot there shall be two (2) paved parking spaces not closer than three (3) feet to the mobile home dwelling, nor closer than ten (10) feet from any mobile home dwelling on an adjoining space or lot.

h. Utility Requirements

- (1) Water. Every mobile home park shall be served by public water.
- (2) Fire Protection. For fire protection purposes, there shall be domestic water under adequate pressure in standard fire hydrants approved by the Director of Public Service and Safety which hydrants shall be located within five hundred (500) feet of every mobile home space or lot within a mobile home park.
- (3) Sanitary Sewers. Every mobile home park shall be served by the City of St. Marys sanitary sewage system.
- (4) Storm Drainage. Adequate storm drainage for each mobile home lot shall be provided.
- (5) Refuse Collection. Where refuse collection is not provided by the City carried out on an individual basis, there shall be refuse disposal receptacles located within two hundred (200) feet of each mobile home space or lot. The type, size and location of such receptacles shall be approved by the City of St. Marys, Ohio.

Section 350 (con't.)

- (6) Liquefied Petroleum Gas or Fuel. When liquefied petroleum gas or fuel is used in the mobile home park, the containers for such gas or fuel shall be approved by the City of St. Marys, Ohio.
 - (7) Fuel Oil Supply. When fuel oil systems are used, they shall be installed and maintained in accordance with applicable state and local codes and regulations. All fuel oil storage containers, barrels, tanks or cylinders and piping to the mobile home shall be securely fastened in place and protected against physical damage.
 - (8) Natural Gas System. When natural gas piping systems are used, they shall be installed underground in accordance with applicable codes and regulations and public utility standards. Each mobile home lot provided with piped natural gas shall have an approved manual shutoff valve installed upstream of the gas outlet. The outlet shall be equipped with an approved method to prevent accidental discharge of gas when the outlet is not in use.
- i. Mobile Home Stand and Skirts. Each mobile home dwelling shall be placed on and have its four corners supported by an anchor to a concrete foundation designed to carry the load placed thereon. Rigid skirts designed to screen and seal the space between the mobile home and its concrete foundation shall be installed within sixty (60) days from the time that the mobile home is placed on the space or lot.
 - j. Communal Facilities. In all mobile home parks, the following facilities shall be provided and available to residents:
 - (1) Management and maintenance offices including storage facilities for grounds-keeping equipment.
 - (2) Safe, usable, conveniently located recreation area or areas shall be located in each mobile home park, and shall comprise an area equal to eight (8) percent of the gross area of the mobile home park tract.
 - k. Peripheral Buffer. All mobile home park tracts which are adjacent an R-Zoning District shall provide a twenty (20) foot wide planting strip which extends along all outside boundaries contiguous to the R-Zoning District. The strips shall be planted with trees and shrubs that will provide a dense screen at all times, and shall be maintained in good condition by the owner.
4. Conditions of Approval. The basis for the approval of a Mobile Home Park application shall be:
 - a. That the proposed development is consistent in all respects with the purpose, intent, and applicable standards of these Zoning Regulations.
 - b. That the proposed development meets all the minimum requirements specified in Sub-section 3, Design Standards.
 - c. That the proposed development is in conformity with the Comprehensive Plan of the City of St. Marys.

Section 350 (con't.)

- d. That the proposed development advances the general welfare of the City and the immediate vicinity.
- e. That the design character and improved site arrangement justify the location and size proposed in the development.
- f. That the utilities to serve the proposed development have been approved by the City of St. Marys, Ohio, and the Ohio Environmental Protection Agency.
- g. That Development Plan approval shall be for a period of one (1) year to allow construction to be substantially started in accordance with the Mobile Home Park Plan, with evidence that construction will be completed within a reasonable length of time. Unless construction, as described, is initiated within the one (1) year time limit the approval shall be voided and all the land shall revert to the last previous zoning district, except when an application for a time extension has been submitted and approved by the Planning Commission.
- h. The Planning Commission, upon making an affirmative finding with regard to the above criteria, and authorize the Zoning Inspector to issue a zoning certificate to the owner/developer(s). The Zoning Inspector must subsequently determine that all the required improvements have been installed prior to permitting the mobile home park to be occupied.

Section 360 Home Occupations

Home Occupations are conditionally permitted in all Residential Districts, provided they meet the requirements specified in their applicable sections of Article II and the following outlined conditions for approval:

1. Permitted home occupations include the following:
 - a. Handcraft, dressmaking, millinery, tailoring, laundering, preserving and home cooking, provided that such occupations shall be conducted solely by resident occupants in their residence.
 - b. Barber shop and beauty shop.
 - c. The office of minister, rabbi, priest, or other clergyman.
 - d. Studio of an artist, sculptor or author.
 - e. Real estate or insurance sales, provided that no non-resident employees work on the premises.
 - f. Music teaching or other type of instruction (except nursery schools), provided that such teaching or instruction shall be limited to one (1) pupil at a time.
 - g. Bed and Breakfast, provided that it meets the requirements as set forth in this section (360 Home Occupations) and the additional requirements as set forth in Section 360.1 Bed and Breakfast Home Occupation.
2. In no event, however, shall a home occupation be interpreted to include an animal hospital, business school, clinic or hospital, dancing school, mortuary, music school, private club, trailer rental, restaurant, kennel, automobile repair, or tourist home.
3. Home occupations shall also meet the following outlined conditions:
 - a. No one shall engage in a home occupation unless they reside on the premises. No use shall be conducted **(1)** in an “R” District employing the services of a person not residing on the premises.
 - b. Not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
 - c. There shall be no change in the outside appearance of the structure, or other visible evidence of the home occupation, other than a sign, non-illuminated, flush mounted against the structure, and smaller than 1 ½ square feet in size.

(1) Ordinance No. 80:62, Effective 2/11/81

Section 360 (cont'd.)

- d. No home occupation shall be permitted in any accessory building constructed after the effective date of this ordinance. Home occupations are only permitted in existing accessory buildings, or the dwelling unit.
- e. No equipment or process shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses of the lot. IN case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers, or which cause fluctuations in line voltage, off the premises.
- f. No traffic shall be generated by the operation of the home occupation which is greater than traffic volumes normally expected in the neighborhood. All parking shall be located off the street.

Section 360.1 Bed and Breakfast Home Occupation

1. Definition: “Bed and Breakfast” means a home occupation in an owner occupied single-family residence wherein lodging and breakfast only are provided to transient guests for compensation. The provision of lodging and breakfast are subordinate to the principal residential use of the structure. A “Bed and Breakfast” has a maximum of three (3) guest rooms with no more than (2) guest rooms sharing a single bathroom. The maximum total occupancies of the guest rooms shall be as follows:

Four (4) persons for one (1) guest room only,
Seven (7) persons total for two (2) guest rooms and,
Ten (10) persons total for three (3) guest rooms.

The maximum length of stay for any guest is fourteen (14) consecutive days.

2. All “Bed and Breakfast” home occupations shall be subject to all conditions as outlined in Section 360 Home Occupations and to the following conditions:
 - a. No “Bed and Breakfast” home occupation shall be permitted in any accessory building.
 - b. There shall be provided upon the lot one (1) hard surfaced off-street parking space for each guest room in addition to the required off-street parking spaces for the single-family residence.
 - c. Each guest room shall contain a separate installed smoke detector alarm.
 - d. No cooking facilities shall be permitted in any guest room.
 - e. A guest register listing the name, address and phone number of all paying guests shall be maintained by the owner and shall be made available for inspection by City Officials.

Section 370 Miscellaneous Requirements

1. Supplementary Yard Requirements

a. Front Yard Modifications

- (1) There shall be a minimum front yard of fifty (50) feet for all residential lots in the R-1, R-2, R-3 and R-4 Districts which front on a Primary Thoroughfare as designated in the Official Thoroughfare Plan.
- (2) In any R-District in which the average existing front yard setback on two (2) or more lots located within one hundred (100) feet and in the same block as the lot in question is either less or greater than the minimum front yard requirement specified in the appropriate section of Article II of this Zoning Ordinance, the front yard requirement shall be modified as follows:
 - (a) The modified front yard shall not be less than the average setback of the existing front yards of the two (2) lots immediately adjacent the lot in question, or if a corner lot, then the same as the setback on the immediately adjacent lot.

b. Projections Into Yards. There may be projections into required yard areas as follows:

- (1) Architectural features such as canopies, cornices, eaves and other similar features may project a distance not more than four (4) feet.
- (2) Outside stairs and landings without cover projecting a distance not more than six (6) feet, in front or rear yards, but in no case shall any such outside stair or landing project into any required side yard.
- (3) Fire escapes projecting not more than five (5) feet.
- (4) Chimneys may project into a front, side or rear yard a distance not exceeding three (3) feet; provided, however, that the aggregate width of such projection shall not exceed one-third (1/3) of the length of the wall upon which they are located.
- (5) Patios may project into rear yards, provided that they not be located within eight (8) feet of the adjacent property line.
- (6) Yard lights, walkway lights, or other decorative items.

Section 370 (con't.)

c. Lot Modifications.

- (1) On all corner lots, all yards which front on streets shall be considered front yards, and as such shall meet the minimum front yard requirements specified for the district in which they are located.
- (2) On all lots having frontage on two (2) streets which do not intersect, the minimum front yard setback specified for the district in which the lot is located shall apply to each yard with street frontage.
- (3) On all corner lots, when the house or structure is not parallel with lot lines, the rear yard shall be considered the area behind the house extending back from the building line to the lot line or lines. (1) The area as described above shall be equivalent to the area of the lot width times the required rear yard distance.

2. Supplementary Height Requirements. The maximum heights specified for buildings in Article II of this Zoning Ordinance shall not apply to:

- a. Bulkheads, elevator penthouses, water tanks, monitors, scenery lofts, towers and monuments, provided no linear dimensions of any such structure exceed fifty (50) percent of the corresponding street lot line frontage. Fire towers, hose towers, cooling towers, gas holders or other structures, where the manufacturing process requires more than fifty (50) percent of the street lot line frontage; 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 twenty-five (25) feet in all parts from every lot line.
- b. Church spires, belfries, cupolas and domes, monuments, water towers, masts and aerials; to parapet walls extending not more than four (4) feet above the limiting height of the building.

3. Fencing, Landscaping and Screening Regulations. On a corner lot, no fence or other structure more than four (4) feet in height above the plain of the established grades of the streets shall be erected on any part of the front yard or side yard herein established, that is included within the street lines of the intersecting streets and a line connecting said street lines or alley at a point which is 20 feet from their point of intersection measured along said street lines, and no planting of foliage shall be placed or maintained within such area that in the judgement of the zoning inspector will materially obstruct the view of the driver of a vehicle approaching the street or alley intersection.

(1) Ordinance 80:62, Effective 2/11/81

Section 370 (con't.)

No fence which is more than 3 ½ feet in height above the plain of the finished grade of the lots at the division line between lots shall be erected along said division unless no part of said fence is within 20 feet of any residence building located on said lot or abutting lot, and in no instance shall a fence be constructed in the front yard. However, a 3 ½ foot high fence may be constructed in a side yard to connect a 3 ½ foot high fence constructed along the side property line to a structure. (1)

A privacy fence which exceeds 3 ½ feet in height may be erected in any rear yard around a patio, or private swimming pool and may be attached to the residence structure, as long as said fence meets the required side and rear setbacks for the Zoning District in which said fence is to be constructed. (2)

4. 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 the Zoning Regulations. Such conversion shall be permitted only after obtaining a Permit and otherwise complying with the other provisions of these Zoning Regulations, and only when the resulting occupancy will comply with the requirements governing new residential construction in such district with respect to minimum lot size, lot area per dwelling unit, dimensions of yards and other open spaces, and off-street parking. Each conversion shall be subject also to such further requirements as may be specified hereinafter with the Article applying to such district.

5. Accessory Buildings

- a. An accessory building may be erected as an integral part of a principal building, or it may be connected thereto by a breezeway or other similar structure.
- b. An accessory building may be erected detached from the principal building. No detached accessory building shall be erected in any required yard except a rear yard, and shall not occupy more than thirty-five (35) percent of the area of the required rear yard and shall be located a minimum of five (5) feet from rear (1) lot lines. For computing the percentage of occupancy of a rear yard, as required herein, if a detached accessory building is connected to the principal building by a breezeway, the ground area of such breezeway shall be considered as a part of the accessory building and be included in the computation.
- c. Any accessory building, if not located in the rear yard, shall be an integral part of, or connected with, the principal building to which it is an accessory, and shall be so placed as to meet all yard requirements for a principal building of the same height and other dimensions as said accessory building.

(1) Ordinance 80:62, Effective 2/11/81

(2) Ordinance 90:05, Effective 3/29/90

Section 370 (con't.)

6. Existing Side Yard Setback. An existing residential structure in any R-District may be extended along the existing building side lines if said building is at least five (5) feet from the existing property line and meets front and rear yard setbacks. **(1)**

Section 380 Satellite Signal Receiving Earth Station Requirements

Section 380.1 Definitions

- (A) “Zoning Code” or “Zoning Ordinance” refers to Ordinance No. 79-12 which was effective August 8, 1979, and as has been amended.
- (B) “Dish-type Satellite Signal Receiving Antenna”, “earth station” or “ground station” shall mean one, or a combination of two or more of the following:
 - (1) A signal-receiving device (antenna, dish antenna, or dish-type antenna), the purpose of which is to receive communication or other signals from satellites in earth orbit and other extraterrestrial sources.
 - (2) A low-noise amplifier (LNA) which is situated at the focal point of the receiving component and the purpose of which is to magnify, store, transfer and/or transmit electronic or light signals.
 - (3) A coaxial cable the purpose of which is to carry or transmit said signals to a receiver.
- (C) “Receiver” shall mean a television set or radio receiver.
- (D) “Dish” shall mean that part of a satellite signal receiving antenna characteristically shaped like a saucer or dish.
- (E) “Grounding rod” shall mean a metal pole permanently positioned in the earth to serve as an electrical conductor through which electrical current may safely pass and dissipate.
- (F) “Residential and Non-Residential Districts” shall mean those districts defined in Section 205 through Section 270 of Article 2 of Zoning Ordinance of the City of St. Marys.

Section 380.2 Permit Required

No person, firm, partnership, corporation, trust or other legal entity shall construct an earth station without a permit nor shall construction commence before a permit is issued in accordance with this chapter.

- (1)** Ordinance 90:05, Effective 3/29/80

Section 380.3 Permit Application

- (A) Any person, firm, partnership, corporation, trust or other legal entity who desires to construct an earth station on a parcel of property within the City of St. Marys shall first apply for a permit to do so from the Zoning Inspector of the City of St. Marys.
- (B) Such permit shall be upon a form provided and approved by the Zoning Inspector and shall include at a minimum a plot plan of the lot, premises, or land parcel on which the ground station will be built, showing the exact location and dimensions of the proposed earth station; a description of the kind of earth station proposed; the exact location and dimensions of all buildings or structures also occupying said lot. Each application shall specify among other things the name and address of the owner of the real estate; the applicant; and the person to be permitted to construct the proposed earth station.
- (C) Any license or permit required by any other governmental agency pertaining to the operation of said earth station shall be solely the applicant's responsibility.
- (D) The applicant shall submit with each application the sum of Five Dollars (\$5.00) which represents the permit fee. The permit fee shall cover the cost of reviewing the permit, inspecting the final construction and processing the application.

Section 380.4 Residential District Requirements

Within R-1, R-2, R-3, R-4, R-5 R-PUD and R-MHP Districts, as defined in the Zoning Ordinance, the following provisions shall apply as to the construction of ground stations or other antennas designed to transmit or receive radio or television signals to or from earth satellites.

- (A) Such ground stations or antennas shall be for the personal use of residents and their guests only.
- (B) Such ground stations or antennas shall contain no graphic message or advertising.
- (C) Ground-mounted stations or antennas shall comply with the following conditions and requirements:
 - (1) Such stations or antennas not mounted on the roof of a primary or accessory building shall be located to the rear of the principal building and shall not exceed an above grade height of fourteen (14) feet.
 - (2) Such stations or antennas shall not be located closer than ten (10) feet to a rear lot line, eight (8) feet from a side lot line, or one (1) foot from any easement.
 - (3) Such stations or antennas shall be mounted in a concrete base not to exceed twelve (12) inches above the existing ground and only metal supports of galvanized construction shall be utilized.

Section 380.4 (con't)

- (4) An earth station must be bonded to a ground rod.
 - (5) Wiring of coaxial cable between such stations and any other structure shall be placed underground a minimum of 12 inches deep and may or may not be placed in conduit.
 - (6) Such stations or antennas shall be designed to withstand a wind force of up to seventy (70) miles per hour without the use of supporting guy wires.
 - (7) An earth station may be linked physically or electronically to a receiver which is not located on the same lot, premises or parcel of land provided that the underground wiring or underground coaxial cable shall not be installed or placed in, upon or across any public or quasi-public easement or right-of-way of record or any easement or right-of-way in which the public may have an implied or prescriptive interest.
- (D) Roof mounted stations or antennas shall comply with the following conditions and requirements.
- (1) Such stations or antennas shall be mounted directly on the roof of a primary or accessory building and shall not be mounted on appurtenances such as chimneys, towers or spires.
 - (2) Such stations or antennas mounted on the roof of a primary or accessory structure shall not exceed a height of greater than six feet above the roof on which it is mounted. The height shall be measured vertically from the point at which such station or antenna is mounted on the roof.
 - (3) The diameter of any dish antenna mounted upon the roof of a primary or accessory structure shall not exceed six feet.
 - (4) Such stations or antennas shall be designed to withstand a wind force of up to seventy (70) miles per hour without the use of supporting guy wires.
 - (5) An earth station must be bonded to a grounding rod.
 - (6) An earth station may be linked physically or electronically to a receiver which is not located on the same lot, premises or parcel of land provided that the underground wiring or underground coaxial cable shall not be installed or placed in, upon or across any public or quasi-public easement or right-of-way of record or any easement or right-of-way in which the public may have an implied or prescriptive interest.

Section 380.5 Commercial and other District Requirements

Within C-1, C-2, C-3, C-4 and I-1 Zoning Districts, as defined in the Zoning Ordinance of the City of St. Marys, the following provisions shall apply to satellite ground stations or other antennas designed to transmit or receive radio or television signals to or from earth satellites.

Section 380.5 (con't.)

- (A) Such ground stations or antennas shall contain no graphic message or advertising.
- (B) Ground mounted stations or antennas shall comply with the following conditions and requirements:
 - (1) Such stations or antennas not mounted on the roof of a primary or accessory building shall be located to the rear of the principal building on the property where the station is located and shall not exceed an above grade height of fourteen (14) feet.
 - (2) Such stations or antennas shall not be located within fifty (50) feet of a public right-of-way, thirty (30) feet of a rear or side lot line and not closer than fifty (50) feet from a lot line of a residential district.
 - (3) Such stations or antennas shall be mounted in a concrete base not to exceed twelve (12) inches above the existing ground and only metal supports of a galvanized construction shall be utilized.
 - (4) Wiring or coaxial cable between such station and any other structure shall be placed underground a minimum of twelve (12) inches deep, and may or may not be in conduit.
 - (5) Such stations or antennas shall be designed to withstand a wind force of up to seventy (70) miles per hour without the use of supporting guy wires.
 - (6) An earth station must be bonded to a grounding rod.
- (C) Roof mounted stations or antennas shall comply with the following conditions and requirements:
 - (1) Such stations or antennas shall be mounted directly on the roof of a primary or accessory building and shall not be mounted on appurtenances such as chimneys, towers or spires.
 - (2) Such stations or antennas mounted on the roof of a primary or accessory building shall not exceed a height of greater than eight (8) feet above the roof on which it is mounted. The height shall be measured vertically from the point at which such station or antenna is mounted on the roof.
 - (3) Such stations or antennas shall be designed to withstand a wind force of up to seventy (70) miles per hour without the use of supporting guy wires.
 - (4) An earth station must be bonded to a grounding rod.

Section 380 (con't.)

Section 380.6 Variance

A variance may be issued to the requirements as set forth in this chapter by appealing to the Board of Zoning Appeals in the same manner as set forth in Section 440 of the Zoning Ordinance of the City of St. Marys. Notice of said variance application shall be made in the same manner as under the Zoning Ordinance.

Section 380.7 Violation

A violation of this chapter shall be deemed to be a violation of a Zoning Ordinance of the City of St. Marys and the remedies set forth in Section 540 of said Zoning Ordinance and the fine set forth in Section 550 of said Zoning Ordinance shall apply to a violation of any provision of this chapter.

ARTICLE IV

ENACTMENT AND ENFORCEMENT ROLES

Section 400 Composition and Role of the City Planning Commission

The Planning Commission shall consist of the Mayor, the Director of Public Service and Safety, and three (3) residents of the City of St. Marys appointed by the Mayor. The Planning Commission shall:

1. Continuously review and update the Zoning Regulations for the purpose of recommending zoning map and/or text changes or amendments considered necessary and appropriate to promote the best interest of the public in general.
2. Maintain an up-to-date copy of the text and map on permanent display in the City offices.
3. The Commission shall hold Public Hearings concerning matters that come before the Planning Commission, such as amendments to the Official Zoning District Map.
4. May initiate an amendment to the Zoning Regulations text and/or Official Zoning District Map, only if the amendment can be justified on one of the following grounds:
 - a. The change is in conformance with the Official Land Use Plan of the City of St. Marys, Ohio:
 - b. There has been a substantial and significant change in area conditions:
 - c. There is a need for additional land in the zoning district classification being requested for a change, and the minimum size requirements for zoning districts, specified in Section 140, Part 3, have been met.
 - d. There is a manifest error in the original Zoning Regulations.

Section 410 Role of the City Council

The St. Marys City Council shall:

1. Approve and confirm the Mayor's appointments to the Board of Zoning Appeals.
2. Institute zoning legislation and then refer to the Planning Commission ordinances or resolutions establishing, amending, revising, changing or repealing zoning classifications, districts, uses, or regulations for their recommendations.
3. Initiate, or act upon changes or amendments to the Zoning Ordinance as recommended by the St. Marys Planning Commission.

Section 410 (con't.)

4. Hold a public hearing on each ordinance or resolution establishing, amending, revising, changing or repealing zoning classifications, districts, uses, or regulations.
5. Amend these Regulations after receiving the recommendations of the Planning commission, if the amendment can be justified on the basis of at least one of the following:
 - a. The change is in conformance with the Official Land Use Plan of the City of St. Marys, Ohio.
 - b. There has been a substantial and significant change in area conditions.
 - c. There is a need for additional land in the zoning district classification being requested for a change, and the minimum size requirements for zoning districts, specified in Section 140, Part 3, have been met.
 - d. There is a manifest error in the original Zoning Regulations.
6. No such ordinance or resolution which violates, differs from, or departs from the written recommendation of the Planning Commission shall take effect unless passed and approved by a vote of not less than six of the members of the Council.

Section 420 Role of the Zoning Enforcement Officer

The duties and responsibilities of the Zoning Enforcement Officer are to:

1. Enforce the provisions of the Zoning Regulations of the City of St. Marys, Ohio.
2. Interpret the requirements of the text and map of the Zoning Regulations; where there are questions in the interpretation, the Zoning inspector may consult with the necessary staff, including the City Law Director to clarify such questions.
3. Certify that the proposed use is in accordance with all of the provisions of this Zoning Ordinance, and maintain a complete record of all such Zoning Permits.
4. Receive and take appropriate action in accordance with these Zoning Regulations upon all applications for Zoning Permits within five (5) days of their date of filing. Certification, or a written notification and explanation of non-certification shall be issued to the applicant within five (5) days of the date of filing.

Section 420 (con't.)

5. Where violations to these Zoning Regulations are reported, determine whether the use is in compliance, or represents a violation, and where a violation does exist, the Zoning Enforcement Officer shall notify the owner(s) in writing, specifying the exact nature of the violation(s) and identifying the measures necessary to correct the violation(s).
6. Maintain and keep current the permanent records required by these Zoning Regulations, including but not limited to, the Official Zoning District Map, Zoning Permits, and all official zoning actions by the City of St. Marys, Ohio. Such records shall be made available for use by the City Council, the Planning Commission, and the general public.
7. Prepare and submit reports concerning the administration and enforcement of these Zoning Regulations to the Mayor or City Council upon request.

Section 430 Role of the Mayor

The Mayor of the City of St. Marys shall:

1. Appoint the Mayor, the Director of Public Service and Safety and three (3) citizens to serve as members of the Planning Commission.
2. Appoint a seven-member Board of Zoning Appeals, subject to the confirmation of City Council.

Section 440 Role of the Board of Zoning Appeals

1. Membership. A Board of Appeals is hereby created consisting of seven citizens of St. Marys, Ohio, each to be appointed by the Mayor and confirmed by Council, for the terms of six years, respectively, provided that, when the first Board shall be appointed hereunder, one member shall be appointed for two years, three for four years, and three for six years.
2. Duties. The Board of Appeals shall adopt, from time to time, such rules and regulations as it may deem necessary to carry into effect the provisions of this ordinance. Such Board of Appeals shall hear and decide appeals from and review any order, requirement, decisions or determination made by the Zoning Enforcement Officer in the administration of this Ordinance. It shall also hear and decide all matters referred to it, or upon which it is required to pass under this Ordinance.

Section 440 (con't.)

3. Rules and Regulations. The concurring vote of 5 members of such Board shall be necessary to reverse or modify any order, requirement, decision or determination from which there has been an appeal, except that in the event that at any meeting of the Board there shall be only four members present, the unanimous vote of said four shall be sufficient for such action. The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision, or determination as in its opinion ought to be made on the premises, and to that end shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have powers to the office from whom the appeal is taken.
4. Appeal Procedures. The Board of Appeals shall act in strict accordance with the procedures specified by this Section. All appeals made to the Board shall be in writing, and shall be filed with the secretary at least fourteen (14) days before the meeting at which they are to be heard. Each application or appeal shall refer to the specific provision of the Regulations involved, and shall set forth exactly the interpretation that is claimed, the use for which special exception is sought, a clear description of the land involved, or the details of the variation that is applied for and the grounds upon which it is claimed that the variation shall be granted, as the case may be.
 - a. An appeal to the Board may be taken by any property owner or tenant, other person aggrieved, or by a governmental officer, department, board or bureau affected. Such appeal, in a form approved by the Board, shall be filed within twenty (20) days after the decision of the Zoning Enforcement Officer, who will transmit the same, together with all the scale plot drawings, plans, specifications, and other papers pertaining to the appeal, to the Secretary of the Board of Appeals.
 - b. When an appeal has been filed in proper form and with the required data, the Secretary of the Board shall immediately notify the Chairman, who will send notices stating the time, place and object of the hearing. Such notices shall be served personally or by mail, at least ten (10) days prior to the date of such hearing, to the appellant, and to such persons as the Board may specify in its rules and regulations, the Board shall also publish one or more notices of such hearing in a newspaper of general circulation in the City of St. Marys at least ten (10) days prior to the public hearing. Any party may appear at such hearings in person or by agent or attorney.
 - c. The Board shall decide all appeals within sixty (60) days after completion of hearing. Such decision shall be binding upon the Zoning Enforcement Officer. The terms and conditions of the decisions by the Board shall be incorporated into any permit, whenever a permit is so authorized.

Section 440 (con't.)

- d. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Enforcement Officer certifies to the Board, after notice of appeal shall have been filed with him, that by reason of facts stated in the appeal, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may, on due cause shown, be granted by the Board after notice to the Zoning Enforcement Officer, or by judicial proceedings.

5. Variances.

- a. The Board of Zoning Appeals may authorize, upon appeal, a variance from the strict interpretation of these Regulations in cases where there is no possibility that the property can be developed in strict conformity with the provisions of these Regulations due to physical limitations of the lot such as exceptional narrowness, shallowness, space, topographic condition, or other features. Variance may be granted to the minimum extent necessary to enable the reasonable use of the property, provided said minimum relief can be granted without substantial detriment to the public good and without substantially impairing the intent of these Regulations.
- b. A public hearing shall be ordered by the Board of Appeals. Notice thereof shall be given by the Secretary of the Board not less than thirty (30) days prior to the date of the public hearing by publishing the notice in a newspaper of general circulation in the City of St. Marys, Ohio. Notice shall also be given within twenty (20) days to the parties having proprietary interest in the land located within two hundred (200) feet of the property in question, as named in the application by such other means as the granting authority deems appropriate. Failure of any person, other than the applicant, to receive notice of any hearing or public hearing shall in no way affect the validity of the action taken. No variance shall be granted unless the Board finds that all of the following conditions exist:
 - (1) The proposed variance will not constitute a change, including an adjustment in use, on the Official Zoning District Map. In no case shall the Board of Appeals approve a variance for a use which is not a permitted use in the zoning district in which the property, building or structure is located.
 - (2) The special circumstances or conditions applying to the building or land in question are peculiar to such lot or property, and do not result from the actions of the applicant and do not apply generally to other land or buildings in the vicinity.

Section 440 (con't.)

- (3) That the literal interpretation of the provisions of these Zoning Regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these Zoning Regulations.
 - (4) The granting of the application is necessary for the preservation and enjoyment of the substantial property right and not merely to serve as a convenience to the applicant.
 - (5) That granting the variance requested will provide the minimum necessary relief to alleviate the hardship and will not confer on the applicant any special privilege which is denied by these Zoning Regulations to other lands, structures or buildings in the same zoning district.
 - (6) That granting of the variance will be in harmony with the general purpose and intent of these Zoning Regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- c. Following disapproval by the Board of Appeals of an application or request for a variance from the literal interpretation of these Zoning Regulations, no subsequent application requesting the same adjustment shall be filed by any applicant, whether the same person, firm or corporation, until the expiration of twelve (12) months after the original or subsequent disapproval.
 - d. The Board will cause to be made a record of all its proceedings, setting forth its reasons for its decisions. Such record, immediately following the Board's decision shall be filed in the offices of the Board, and shall be open to public inspection.
6. Conditional Uses. The Board of Appeals may hear and decide upon, in accordance with the provisions of these Zoning Regulations, applications for a Conditional Use Permit. The purpose of a Conditional Permit is to allow a proper integration into the City of St. Marys, uses which may only be suitable 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. A conditional use permit shall be required for all uses listed as conditionally permitted in Article II.
- a. Application for a Conditional Use Permit shall be made by the property owner, or agent thereof, to the Board of Appeals on a form prescribed by the City of St. Marys, Ohio.

Section 440 (con't.)

- b. In considering an application for a Conditional Use Permit, the Board of 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, or specifically waived by the Board of Appeals. (1)
 - c. The Board 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.
 - d. A public hearing shall be ordered and held by the Board of Appeals. Notice thereof shall be given not less than thirty (30) days prior to the date of public hearing by publishing notice in a newspaper of general circulation in the City of St. Marys, Ohio. Notice shall also be given within twenty (20) days to the parties having proprietary interest in the land located within two hundred (200) feet of the property in question by such other means as the granting authority deems appropriate. Failure of any person, other than the applicant, to receive notice of any hearing or public hearing in no way shall affect the validity of action taken.
 - e. Any existing lawful use which is considered as a Conditionally Permitted Use by this Zoning Ordinance, which is located in a zoning district in which such use is conditionally permitted, shall be considered as a Conforming Use.
 - (1) Any expansion of such a Conditionally Permitted Use involving the enlargement of buildings, structures, and/or land area devoted to such Conditional Use, shall be subject to the procedures outlined in this Section.
 - f. In any case where an approved Conditional Use Permit has not been used within six (6) months of the date which it was granted, the permit shall expire unless an extension of the above time period has been authorized by the Board of Appeals.
7. Special Exceptions. The Board of Appeals shall have the power to authorize, upon appeal, the following special exceptions:
- a. Issue a Zoning Permit for a temporary office, sign, structure, construction or storage building, in any District, which use is incidental to development of the property on which it is located, such Zoning Certificate to be issued for a period of not more than one (1) year, except for exceptionally large projects where an extension may be authorized.

(1) Ordinance No. 80:62, Effective 2/11/81

Section 440 (con't.)

- b. Authorize a temporary Zoning Permit for a mobile home where an extreme personal hardship related to health and safety is involved, provided that:
 - (1) The hardship is generally of temporary nature.
 - (2) The yard requirements of the district are met.
 - (3) If the hardship ceases to exist, the Zoning Certificate shall be revoked within sixty (60) days.
 - (4) The Zoning Permit shall be issued for periods not to exceed one (1) year and shall be approved by the Board prior to renewal.
 - (5) The Zoning Permit shall state the conditions under which it was issued.
 - (6) The fee for each Zoning Permit and each subsequent renewal shall be the same as for a residence.
 - (7) The Board may stipulate the location and placement of the mobile home, and may stipulate conditions necessary for the public good insofar as such conditions do not violate other provisions or the intent of this Ordinance.

8. Time Limitation. Every conditional use permit, variance, or special exception, allowed or granted, as provided in this Section, shall expire and be of no force or effect after the expiration of six (6) months from the date thereof, unless the beneficiary of such conditional use permit, variation or special exception shall have actually, within said period, put the subject property to the purpose for which such conditional use permit, variation or special exception shall have been granted or allowed.

ARTICLE V

ADMINISTRATIVE AND ENFORCEMENT PROCEDURES

Section 500 Issuance and Revocation of Zoning Permits

1. Issuance of Zoning Permits

- a. Requirements. No person shall locate, erect, construct, reconstruct, enlarge or structurally alter any building or structure within the City of St. Marys, Ohio, without having the required Zoning Permit. Said Zoning Permit shall not be issued unless the plans for the proposed building or structure fully comply with all the provisions of these Zoning Regulations.
- b. Application. Application for a Zoning Permit shall be made in writing to the Zoning Enforcement Officer. Each written application shall include the following:
 - (1) Name, address and telephone number of the applicant;
 - (2) One (1) copy of a drawing showing the actual shape and dimensions of the lot to be built upon, or to be changed in its use, in whole or in part;
 - (3) The location of the lot, existing zoning and land use;
 - (4) The location, size and height of any building or structure to be erected or altered;
 - (5) The existing or intended use of each building, structure or use of land where no buildings are included; and,
 - (6) The number of families or dwelling units each building is designed to accommodate, if applicable.
- c. Time Limitations. Any zoning permit issued according to the rules and regulations set forth in this Zoning Text shall expire and be of no force and effect unless the physical construction of said project has begun prior to the expiration of 180 days from the date of the permit. **(1)**

2. Revocation of Zoning Permits. Any Zoning Permit issued upon false statement shall be void. Whenever the fact of such false statement shall be established to the satisfaction of the Enforcement Officer, said permit shall be revoked by notice in writing to be delivered to the holder of the void permit upon the premises concerned, or in some conspicuous place upon the said premises. Any person who shall proceed thereafter with such work or use without having obtained a new Zoning Permit in accordance with this Zoning Ordinance, shall be deemed guilty of violation thereof.

(1) Ordinance 90:05, Effective 3/29/90

Section 510 Procedures for Zoning Text Amendments and Zoning Map Changes

1. Amendments to the St. Marys, Ohio, Zoning Ordinance. The St. Marys City Council may by ordinance, after receipt of a recommendation thereon from the Planning Commission, and following the required Public Hearing held by City Council, amend, supplement, change or repeal the regulations, restrictions, and/or zoning district boundaries or classifications of property whenever the public necessity, convenience, general welfare, provision of the Official Land Use Plan, or good zoning practices require. A request to amend this Ordinance may be initiated as follows:
 - a. By adoption of a motion by the St. Marys Planning Commission;
 - b. By adoption of a resolution by the City Council;
 - c. By the filing of an application by the owner(s) of the property to be changed or affected by the proposed amendment.
2. The Planning Commission and/or City Council may favorably consider a request to amend these Regulations if the Amendment can be justified on the basis of one of the following conditions:
 - a. There is a manifest error in the Official Zoning District Map and/or text;
 - b. The proposed amendment is in conformance with the St. Marys Official Land Use Plan;
 - c. There has been a substantial change in area conditions;
 - d. There is a legitimate need for additional land in a particular zoning district.
3. Applications for amendments shall include, but not be limited to, the following information:
 - a. Name, address, and phone number of applicant;
 - b. Location of the property, lot number of the tract, and the present and proposing zoning district;
 - c. A vicinity map at a scale approved by the Zoning Enforcement Officer showing the property lines, streets, existing and proposed zoning and such other items as the Zoning Enforcement Officer may require;
 - d. Present and proposed uses;

Section 510 (con't.)

- e. Proposed amendment to the text, if applicable;
 - f. Plat layout drawn to scale, showing the actual shape and dimensions of the lot(s) or parcel(s) to be rezoned and all lots and parcels within two hundred (200) feet thereof and showing the buildings, uses and zoning classification therefore, which shall be attached to each application.
 - g. A list of all property owners within, contiguous to, within 200 feet of, and directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case;
 - h. A statement on how the proposed amendment relates to the Comprehensive Plan of the City of St. Marys, Ohio;
 - i. Specific reason(s) justifying the application for amendment.
4. In the case of a change on the Official Zoning District Map, the St. Marys Planning Commission and City Council shall not consider favorably any petition which would result in a total contiguous area (separated only by highways and roads and excluding the area of highways and roads) of less than the acreage minimums specified as the minimum size requirement for zoning districts in Section 140.
5. Required Hearings for Amendment
- a. Planning Commission Hearing
 - (1) When said request for amendment arrives before the Planning Commission a public hearing shall be scheduled. Notice of same shall be given by one publication in a newspaper of general circulation in the City of St. Marys at least thirty (30) days in advance of the hearing.
 - (2) Notice to Property Owner(s). In addition to this published notice, if the proposed amendment intends to rezone ten (10) or fewer parcels of land, the Planning Commission shall give notice of the time, place and purpose of public hearings to be held by it on proposed amendments or supplements, by mailing a postal card or letter notice by first-class mail not less than twenty (20) days prior to the date of the hearing, to the owners of all properties lying within two hundred (200) feet of any part of the property proposed to be changed. The failure to notify as provided in this section shall not invalidate any recommendation adopted hereunder.
 - (3) Action of Commission. Following the required public hearing, the Commission may recommend that the application be granted as requested, or it may recommend a modification of the zoning amendment requested in the application, or it may recommend that the application not be granted. These recommendations shall then be certified to the City Council.

b. Public Hearing by City Council:

- (1) After receiving from the Commission the certification of said recommendations on the proposed amendment, and before adoption of such amendment, the City Council shall hold a public hearing thereon, at least thirty (30) days notice of the time and place of which shall be given by one publication in a newspaper of general circulation in the City. The notice shall include an exact text of the proposed amendment, along with a map and/or legal description showing changes in the Official Zoning District Map.
- (2) Notice to Property Owners. In addition to this published notice, if the proposed amendment intends to rezone ten (10) or fewer parcels of land, the Clerk of Council shall give notice of the time, place, and purpose of the public hearings to be held by mailing a notice by first-class mail not less than twenty (20) days prior to the date of the hearing to the owners of all properties lying within two hundred (200) feet of any part of a property proposed to be changed. The failure to deliver such notification shall not invalidate any recommendation adopted hereunder.
- (3) Action of City Council. After receiving from the Planning Commission certification of the recommendations on the proposed amendment and after holding the above public hearing, the City Council shall consider such recommendations and vote on the passage of the proposed amendment to the text and/or zoning map. The City Council may overrule the recommendations of the Commission by three-fourths (3/4) vote of the full membership of the Council.

6. Effective Date. If such amendments are made to either the text of the Zoning Ordinance or the Official Zoning District Map, the text of the Zoning Ordinance shall promptly reflect such amendment; in the event the Official Zoning District Map is amended, such amendment shall promptly be entered on the map together with an entry stating the date of amendment, a brief statement of the nature of the amendment, and the signature of the Mayor. Such amendments to the Official Zoning District Map or the text of the Zoning Ordinance shall not become effective until they have been entered in the text or upon the Official Zoning District Map.

Section 510 (con't.)

7. The Official Zoning District Map. Regardless of the existence of purported copies of the Official Zoning District Map which may from time to time be made or published, the Official Zoning District Map which shall be located in the Zoning Enforcement Officer's office shall be the final authority as to current zoning status of land, buildings, and other structures within the City of St. Marys. In the event the Official Zoning District Map becomes damaged, destroyed, lost or difficult to interpret because of the number of changes or additions, the City Council may by resolution adopt a new Official Zoning District Map. The new map shall bear a statement certifying that the new map is the new Official Zoning District Map and supersedes and replaces the former Official Zoning District Map adopted March 11, 1963, (date of original adoption) and also stating the date of adoption of the new Official Zoning District Map.

Section 520 Invalidity of a Part

If any article, section, subsection paragraph, sentence or phrase of the Zoning Regulations is for any reason held to be invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Zoning Ordinance.

Section 530 Repeal of Existing Ordinances

Any part of any Ordinance of the City of St. Marys, Ohio, which is inconsistent, or in conflict with any part of this Zoning Ordinance, and all additions and amendments thereto are hereby superseded by the adoption of this Zoning Ordinance.

Section 540 Violation

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 Zoning Ordinance, the City Council, the City Solicitor, the Zoning Enforcement Officer, or any neighboring property owner who would be damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.

Section 550 Fine

Any person, firm or corporation violating any provision of this Zoning Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than One Hundred (\$100.00) Dollars. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues may be deemed a separate offense.

ARTICLE VI

DEFINITIONS

Accessory Building - An accessory building is a subordinate building which is customarily incidental to, and located on the same lot as the main or primary building, such as a detached garage or utility building within a residential zoning district. Any accessory building upon a lot which exceeds 576 square feet in area shall not contain more than 40% of the floor area of the main building and in no case shall the total of all accessory buildings on a lot comprise more than 35% of the building area of the yard in which they are located. (1)

Accessory Use - An accessory use is a subordinate use which is customarily incidental to, and located on the same lot as the main or primary building, such as a private family swimming pool within a residential zoning district. An accessory use shall not contain more than 35% of the first floor area of the main building, and in no case shall the total area of all necessary uses on a lot comprise more than 35% of the building area of the yard in which it is located.

Adult Book/Video Store - A facility, in which at least ten percent (10%) of the publicly accessible store area deals in books, magazines, or other periodical, or video materials that display and are distinguished or characterized by an emphasis on depiction of items listed under “specified sexual activities” or “specified anatomical areas”. A facility meeting this definition shall be regulated as a commercial entertainment facility.

Adult Entertainment Facility - A commercial entertainment facility having a significant portion of its function as adult entertainment which includes “adult book/video store”, “adult entertainment theater”, or “adult entertainment business”.

Adult Entertainment Business - Any commercial entertainment facility involved in the sale or services of products characterized by salacious conduct appealing to prurient interest for the observation or participation in, by the patrons, the exposure or presentation of specified anatomical areas or physical contact of live males or females. These activities are characterized by, but not limited to, photography, dancing, stripping, reading, massage, male or female impersonation, and similar functions which utilize activities as stated in “specified sexual activities”.

Adult Entertainment Theater - A commercial entertainment facility used to a substantial extent for presenting material distinguished or characterized by all items listed in “specified sexual activities” or “specified anatomical areas”.

Agriculture - The use of land, buildings or structures for general farming, dairying, pasturage, apiculture, floriculture, horticulture, viticulture, greenhouses, and the sale of agricultural products, not including animal and/or poultry husbandry.

Alley - A public or private way thirty (30) feet or less in width which is used primarily for vehicular access to the back or side of properties which otherwise abut on streets.

(1) Ordinance 90:05, Effective 3/29/90

Definitions (con't.)

Automotive Car Wash - Any structure or part thereof used for the washing of cars either by manual or assembly line techniques, utilizing employees or the car owner, or a combination of both.

Automotive Service Station (No Repair Work) - A place where gasoline, kerosene or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, and incidental washing and polishing may take place.

Automotive Repair Garage - A business establishment for the repair of motor vehicles, where permitted work may include greasing and oiling and replacement or installation of parts and accessories, including major repair work such as motor replacement, body and fender repair, spray painting, upholstery work, auto glasswork, welding, tire recapping, radiator repairs, and other similar major mechanical work. In no case shall dismantling, wrecking, or outdoor storage of an inoperable motor vehicle be permitted longer than three (3) weeks.

Basement - That portion of a building which is partly underground and which has one-half (½) or more of its ceiling height above the average finished grade of the ground adjoining the building in which it is located.

Board of Appeals - The Board of Appeals of the City of St. Marys, Ohio.

Building - Any permanent or stationary structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, or property. At no time shall this definition be constructed to include mobile homes.

Building Height - The vertical distance from the average ground level at the front 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 ridge for gable, hip, or gambrel roofs.

Building Principal - The building in which the main or chief use permitted on the zoning lot is conducted.

Building Setback Line - The line nearest the front and across a lot establishing the minimum open space to be provided between the front line of the building foundation and the front lot line; or the front line of the foundation of enclosed porches or vestibules if nearer the front line than the main foundation, not including steps.

Business - An occupation, enterprise, undertaking or employment which engages in the purchase, sale, barter or exchange of goods, wares, merchandise or services or where there is the maintenance or operation of an office or offices for the exhibition, sale, or offering of merchandise or services.

Cellar - A story partly underground and having more than fifty percent (50%) of its clear height below the average level of the adjoining ground. A cellar shall not be considered a story for purposes of height measurement, or in determining the permissible number of stories or in computing floor area or living area.

City Council - The City Council of the City of St. Marys, Ohio.

Clerk of Council - The Clerk of Council of the City of St. Marys, Ohio.

Definitions (con't.)

Clinic - An establishment where patients, animal or human, are not lodged overnight, but are admitted for examination and treatment by a doctor or group of doctors practicing medicine and/or dentistry together.

Club - A building or portion thereof, or premises owned by a corporation, association, person or persons for a social, educational or recreational purpose, not primarily for profit or to render a service which is customarily carried on as a business.

Commercial Schools - An educational establishment engaged in the training or instruction of a specific trade or employment skill. Examples of commercial schools would be secretarial schools, beauty schools, and music schools.

Comprehensive Plan - A plan, or any portion thereof, adopted by the St. Marys Planning Commission and the St. Marys City Council showing the general location and extent of present and proposed land use and transportation facilities including housing, industrial and commercial uses, highways, and roads, parks, schools, and other community activities. This plan establishes the goals, objectives and policies of the City of St. Marys.

Conditional Use - A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals that all prior conditions for approval have been met.

Conditional Use Permit - A permit issued by the Zoning Enforcement Officer upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the Zoning District.

Condominium - Same as "Dwelling, Multiple-Family" where each family owns its own dwelling unit but where the common areas of the building and site are owned and maintained jointly by the occupants.

Council - The City Council of the City of St. Marys, Ohio.

Depth of Lot, Piece or Parcel - Is the mean distance from the front lot line of the lot, piece or parcel to the rear line measured in the mean direction of the side lines of the lot, piece or parcel.

Dish - That part of a satellite signal receiving antenna characteristically shaped like a saucer or dish.

District - Same as Zoning District.

Dish-Type Satellite Signal Receiving Antenna:

- (1) A signal-receiving device (antenna, dish antenna, or dish-type antenna), the purpose of which is to receive communication or other signals from satellites in earth orbit and other extraterrestrial sources.
- (2) A low-noise amplifier (LNA) which is situated at the focal point of the receiving component and the purpose of which is to magnify, store, transfer and/or transmit electronic or light signals.

Definitions (con't.)

- (3) A coaxial cable the purpose of which is to carry or transmit said signals to a receiver.

Drainage way - A water course, gully, dry stream, creek, or ditch which carries storm water runoff, which is subject to flooding or ponding, which is fed by street or building gutters or by storm water sewers, or which serves the purpose of draining water from the lands adjacent to such water course, gully, dry stream, creek or ditch.

Dwelling - Any building or portion thereof designed or used as the residence of one or more persons, but not including a tent, cabin, travel trailer, tree house, or a room in a hotel or motel.

Dwelling, Single-Family - A building designed for or used for residence purpose by one family or housekeeping unit.

Dwelling, Two-Family (Semi-Detached) - A building designed for or used by two families or housekeeping units, having one party wall in common with the adjacent dwelling unit.

Dwelling, Three-to-Four Family - A building designed for or used by three-to-four families or housekeeping units living independent of one another.

Dwelling, Detached - A building having no party wall in common with another building.

Dwelling, Mobile Home - Any vehicle or mobile structure more than forty-eight (48) feet long, on wheels, skids, rollers, or blocks, designed to be pulled, pushed, or carried by a motor vehicle on a highway, and designed for living, as a one-family dwelling, complete and ready for occupancy as such except for minor and incidental packing and assembly operations, location on permanent foundations, connections to utilities, and the like.

Dwelling, Row - A dwelling having a party wall on each side in common with an adjoining dwelling unless it is situated as the outermost dwelling; in the latter case, it will have a party wall on one side only. A row dwelling shall be considered to be a multiple-family dwelling.

Dwelling, Unit - A one-family dwelling or a portion of a two-family, three-to-four family, multiple-family, or row dwelling used by one family for cooking, living, and sleeping purposes.

Earth Station:

- (1) A signal-receiving device (antenna, dish antenna, or dish-type antenna), the purpose of which is to receive communication or other signals from satellites in earth orbit and other extraterrestrial sources.
- (2) A low-noise amplifier (LNA) which is situated at the focal point of the receiving component and the purpose of which is to magnify, store, transfer and/or transmit electronic or light signals.
- (3) A coaxial cable the purpose of which is to carry or transmit said signals to a receiver.

Definitions (con't.)

Essential Service - The location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement by public utilities or City or government agencies of underground or overhead gas, electrical steam or water generation, transmission or distribution systems, including buildings, structures, towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment or accessories and the use of land in connection therewith, for the furnishing of adequate service by such public utilities or City or other governmental agencies or for the public health, safety and general welfare.

Establishment - A building or structure used for commercial or industrial purposes including stores, shops, plants, factories, warehouses, wholesale houses and the like.

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, dormitory, motel, or hotel.

Fence - An enclosure, barrier, or screen whose purpose is to physically and/or visually contain certain uses and activities which are carried out on a particular zoning lot.

Finished Grade - The elevation of the surface of the ground adjoining the building after construction of required parking areas or driveways and after the planting of lawn and shrubbery, or other required improvements.

Floor Area - The total horizontal area of all floors finished as usable area including roofs, porches and roofed terraces. Measurements of floor area shall be taken to the outside of the exterior walls. Floor Area shall not include: cellar or basement space; elevator and stair bulkheads; attic space; terraces, breezeways and open porches; uncovered steps; garages.

Frontage - The property on one side of a street between two (2) intersection streets (crossing or terminating) measured at the building line or if the street is dead-ended, then all of the property abutting on one end of the street.

Garage, Private - A detached accessory building or a portion of the principal building used only for the storage of vehicles and incidental personal property.

Garden Apartments - A multi-story, walk-up apartment building, usually grouped around a common open space with off-street parking provided on the periphery of the site.

Gross Density - The population density of particular area measured by the number of residents divided by the total number of acres, including street rights-of-way as well as residential land.

Grounding Rod - Shall mean a metal pole permanently positioned in the earth to serve as an electrical conductor through which electrical current may safely pass and dissipate.

Definitions (con't.)

Ground Station -

- (1) A signal-receiving device (antenna, dish antenna, or dish-type antenna), the purpose of which is to receive communication or other signals from satellites in earth orbit and other extraterrestrial sources.
- (2) A low-noise amplifier (LNA) which is situated at the focal point of the receiving component and the purpose of which is to magnify, store, transfer and/or transmit electronic or light signals.
- (3) A coaxial cable the purpose of which is to carry or transmit said signals to a receiver.

Health Department - The Auglaize County Health Department.

Hedge - A dense growth of shrubbery, usually planted to function as a fence or boundary.

Home Occupation - Any occupation conducted in its entirety within a dwelling unit, provided that no person other than members of the family residing on the premises shall be engaged in such occupation and the use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to use for residential purpose by its occupants.

Hospital, Animal - Any building or other enclosed structure containing spaces for any animals not belonging to the operator of such facility which allows for overnight or continuous care, diagnosis and treatment of animal illnesses or injuries.

Hospital, Human - Any building or structure containing beds for at least four (4) patients allowing for overnight or continuous care, diagnosis, and treatment of human ailments.

Industrial Building - Any building or structure used for the purpose of manufacturing, processing, testing, and similar industrial use, which may generate some objectionable characteristics, such as noise, smoke, dust or pollution, requiring large sites, open storage and service areas and ready access to regional transportation.

Institution - A building occupied by a non-profit corporation or establishment for public use.

Kennel, Animal Shelter - A building or structure which may also include out-door pens or runs for dogs or other animals which are housed or boarded for a fee, or an establishment for the breeding of such animals.

Loading Space - A space for the standing, loading or unloading of motor vehicles.

Lot - A parcel of land defined by metes and bounds or boundary lines in a recorded deed or on a recorded plat, fronting on a legally dedicated public thoroughfare. In determining lot area, no part thereof within the limits of the proposed thoroughfare rights-of-way shall be included.

Lot Area - The computed area contained within the lot lines, excluding right-of-way.

Lot, Corner - A lot at the juncture of and fronting on two or more intersecting streets.

Lot, Depth - The mean horizontal distance between the front and the rear lot lines.

Definitions (con't.)

Lot, Interior - A lot other than a corner lot with only one frontage on a street.

Lot Lines - The property lines bounding the lot.

Lot Line, Front - The line separating the lot from a street right-of-way.

Lot Line, Rear - The lot line opposite and most distant from the front lot line.

Lot Line, Side - Any lot line other than 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.

Lot of Record - Any lot which individually or as a part of a subdivision has been recorded in the office of the County Recorder of Auglaize County, or on which the recording has been delayed by mutual consent of the subdivider, developer, and the City of St. Marys, Ohio.

Manufacturing - Production or industrial process, including food processing, which combines one or more raw materials or components into a product, or which changes the nature of the materials entering the process, and which by nature of the materials, equipment and process utilized are not objectionable by reason of odor, noise, vibration, cinders, gas fumes, dust, smoke, refuse matter or water carried wastes.

Mobile Home - Any vehicle or mobile structure more than forty-eight (48) feet long, on wheels, skids, rollers, or blocks, designed to be pulled, pushed, or carried by a motor vehicle on a highway, and designed for living as a one-family dwelling, complete and ready for occupancy as such except for minor and incidental packing and assembly operations, location on permanent foundations, connections to utilities, and the like.

Modular Housing - An assembly of materials or products comprising all or part of a total residential structure which, when constructed, is self-sufficient, or substantially self-sufficient, containing plumbing, wiring and heating at the point of manufacture, and which when installed, constitutes a dwelling unit, except for necessary on-site preparations for its placement.

Motel - A building or a group of two (2) or more detached or semi-detached buildings containing guest rooms which are designed and intended or used primarily for the accommodation of travelers.

Non-Commercial Recreational Facility - Any private and public or semi-public recreational facilities which are not operated for profit.

Nonconformities - A legally existing use, building or structure, which fails to comply with standards set forth in these regulations applicable to the district in which it is located.

Nursing Home - An establishment where persons are housed or lodged and furnished with meals and nursing or convalescent care for hire.

Official Thoroughfare Plan - The Official Thoroughfare Plan of, and as adopted by, the City Council, establishing the location and official right-of-way widths of principal highways and streets in the City, on file as part of the Official Land Use Plan.

Definitions (con't)

Parking Area:

Private Parking Area - An open area for the same use as a private garage.

Public Parking Area - An open area other than a street or 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.

Parking Space - An off-street space available for the parking of one (1) motor vehicle, and having an area of not less than two hundred (200) square feet, exclusive of passageways and driveways appurtenant thereto and giving access thereto and having direct access to a street or alley.

Person - A corporation, firm, partnership, association, organization or any other group acting as a unit, as well as a natural person.

Personal Services - Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, barber shops, beauty parlors, and similar activities.

Planned Unit Development - An area of land in which a variety of housing types are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks. The procedure for approval of such development contains a two-step procedure in addition to requirements of the standard subdivision, review and approval of the Preliminary Plan and the detailed Final Plans.

Planning Commission - The Planning Commission of the City of St. Marys, Ohio.

Plant Cultivation - The cultivation of crops, horticulture, floriculture, viticulture, including fruit trees, nursery stock, truck garden products, and similar plant materials.

Preliminary Planned Unit Development Plan - See Planned Unit Development, Preliminary.

Private Recreational Club - Any privately owned and operated recreational facility or area such as a golf course, tennis courts, ball fields, and not including fraternal lodges or swimming pools.

Private Street - A street that is not dedicated to the City of St. Marys, Ohio.

Professional Office - Any building or structure, the use of which is limited to providing professional services such as doctors, lawyers, accountants, architects, engineers, photographers, city planners, and similar professions.

Public Facilities - Any building or structure used by government for administrative or service purposes, but not including buildings devoted to the storage and maintenance of equipment and materials.

Public Service Facilities - Any buildings or structures devoted to the storage and maintenance of equipment and materials, including street equipment and materials, relating of essential services and operating under authority granted by a government body.

Definitions (con't)

Public Uses - Uses including public parking, schools and administrative, cultural and service buildings, but not including public land or buildings devoted solely to the storage and maintenance of equipment and materials.

Receiver - Shall mean a television set or radio receiver.

Recreational Facilities - Uses such as country clubs, golf courses, or other private recreational areas or facilities, or recreational centers including private community swimming pools.

Recreational Vehicle - As used in these Regulations, is defined as and shall include the following:

- (1) "Travel trailer" is a vehicular, portable structure built on chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified "travel trailer" by the manufacturer;
- (2) "Pick-up camper" is a structure designed primarily to be mounted on a pick-up truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational and vacation use;
- (3) "Motorized home" is a portable dwelling designed and constructed as an integral part of a self-propelled vehicle;
- (4) "Fold tent trailer" is a canvas folding structure, mounted on wheels and designed for travel and vacation use;
- (5) "Boats" and "boat trailers" shall include boats, floats, and rafts, plus the normal equipment to transport the same on the highway.

Resource and Mineral Extraction - Any mining, quarrying, excavating process, storing, separating, cleaning or marketing of any mineral natural resource.

Restaurant -

Sit-Down - An establishment whose primary function is the offering of food and beverages which are sold and normally consumed within the restaurant building.

Carry-Out - An establishment whose primary function is the offering of food and beverages which are sold only inside the building, and are usually packaged to be carried and consumed off the premises, but may be consumed within the restaurant building or on the premises.

Drive-In - An establishment offering food and beverages which are sold within the building, or to persons while in motor vehicles in an area designated for drive-in service, and may be consumed on or off the premises.

Residential and Non-Residential Districts - Shall mean those districts defined in Section 205 through Section 270 of Article II of Zoning Ordinance of the City of St. Marys, Ohio.

Definitions (con't)

Retail Establishment - Any business normally found in a business district, where goods or services are offered for sale in small quantities directly to consumers.

Setback Line - The closest point at which a building may be constructed in relation to the lot line.

Sewers, Central - The sanitary sewage system of the City of St. Marys, Ohio.

Similar Use - A use not specifically listed in any of the permitted building or use classification of any district, but which may be found analogous and added to a classification.

Specified Anatomical Areas - Areas of human body as follows:

- (1) Human genitals, pubic region, buttock, and the areola area of the female breasts which are less than completely or opaquely covered;
- (2) Human male genitals in a discernible turgid state, even if completely or opaquely covered.

Specified Sexual Activities - Activities such as:

- (1) Human genital in a state of sexual stimulation or arousal;
- (2) Acts, real or simulated, of human masturbation, sexual intercourse, sodomy, cunnilingus, or fellatio;
- (3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breasts;

Stable - Any building located on a land use on which a residence is located, designed, arranged, used or intended to be used for housing horses for private use, benefit or pleasure of the occupants of the residence.

Story - That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or if there is no floor above, the portion between the floor and the ceiling above; also any portion of a building used for human occupancy between the top most floor and the roof. A basement shall not be counted as a story unless more than one-half ($\frac{1}{2}$) of the basement height is above grade level at the front of the building.

Structure - An assembly of materials which form a construction for occupancy for use, including, but not limited to: buildings, structures, tents, platforms, stages, observation towers, radio, television and telephone towers, water storage tanks, trestles, piers, open sheds, shelters, fence, display signs, and the like, which shall be construed to mean the whole or parts thereof.

Structural Alterations - Any change in the supporting members of a building, such as walls, floors, columns, beams, or girders.

Temporary Structure - Structures of a temporary nature erected for a period not to exceed twelve (12) months for such uses as construction offices or storage buildings at a construction site.

Definitions (con't.)

Use - The employment or occupation of a building, structure or land for a person's service, benefit or enjoyment.

Use-by-Right - A principal permitted use in a particular Zoning District which is permitted in that district as a legal right under the terms of these Regulations.

Utility Building - A detached accessory building used for the purpose of storing equipment and materials and/or housing parts of electrical, plumbing, and heating.

Variance - A variation from a strict interpretation of the terms of these Zoning Regulations, owing to peculiar conditions or circumstances which apply only to the property in question and no other. As used in these Regulations, a variance may be authorized only for height, area, yard, or setback requirements.

Wall - A boundary enclosure or separating barrier which is usually opaque.

Warehouse - Any building or structure which use is limited to the storage of equipment or material.

Wholesale Establishment - An establishment that engages in the sale of goods, merchandise and commodities for resale by the purchaser.

Yard - A space on the same lot with a main building, open unoccupied and unobstructed by buildings or structures from the ground to the sky, except as otherwise provided in these Regulations.

Yard, Front - A yard extending across the full width of the lot, the depth of which shall be the least perpendicular distance between the front lot line and the front of the main building.

Yard, Rear - A yard extending the full width of the lot between the rearmost main building and the rear lot line, the depth of which shall be the least distance between the rear lot line, and the rear of such main building. Where a lot abuts upon an alley, one-half (1/2) the alley width may be considered as part of the required rear yard.

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

Zoning Code - Refers to Ordinance 79:12 which was effective 8/8/79.

Zoning Permit - The document issued by the Zoning Enforcement Officer authorized buildings, structures or uses consistent with the terms of these Zoning Regulations for the purpose of carrying out and enforcing its provisions.

Zoning District - A portion of the incorporated area of the City for which certain uniform regulations governing the use, height, area and intensity of use by buildings and land and open spaces about buildings are herein established.

Zoning Enforcement Officer - That person appointed to enforce these Regulations, make necessary inspections, issue permits or certificates, keep the official documents and records required by these Regulations.

Definitions (con't.)

Zoning Lot - A single tract of land which (at the time of the filing for a Zoning Permit) is designated by its owner or developer as a tract to be used, developed or built upon as a unit under single ownership or control. Therefore, a "Zoning Lot" may or may not coincide with a lot of record. The Zoning Lot shall have adequate frontage on an improved dedicated roadway of adequate width.

Zoning Ordinance - Refers to Ordinance 79:12 which was effective 8/8/79.