

Article 1500
Conditional Use Regulations

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Also see Article 2300 – Conditional Use Permits.

1501 PURPOSE.

Certain types of principal uses are classified as conditional uses because of their uncommon or unique characteristics, infrequency of occurrence, large area requirements, or potential for significant impact on a particular district. Consequently, the conditional use procedures call for a more flexible and equitable procedure for properly accommodating such activities in the community. The forces that influence decisions regarding the nature, magnitude and location of such types of land use activities are many and varied, depending upon functional characteristics, competitive situations, and the availability of land. Rather than assign all uses to special, individual and limited zoning districts, it is important to provide controllable and reasonably flexible requirements for certain kinds of uses that will allow practicable latitude for the investor, but that will, at the same time, maintain adequate provisions for the health, safety, convenience and general welfare of the Township's inhabitants.

In order to accomplish such a dual objective, provision is made in the Zoning Resolution for a more detailed consideration of each land use designated a conditional use in the district regulations as it may relate to the proposed conditions of location, design, size, operation, intensity of use, generation of traffic and traffic movement, concentration of population, processes and equipment employed, and amount and kinds of public facilities and services required, together with many other factors. Review of this information by the Board of Zoning Appeals is required to ensure that each proposed conditional use is consistent with the intent and objectives of the particular district in which it is to be located. Accordingly, conditional use permits for such uses shall be issued in compliance with the procedures and requirements of Article 2300.

1502 GENERAL CRITERIA FOR ALL CONDITIONAL USES.

A conditional use, and uses accessory to such conditional use, shall be permitted in a district only when specified as a conditional use in such district, and only if such use conforms to the following standards in addition to any specific conditions, standards and regulations for such use or category of uses set forth in Sections 1502 through 1507. Furthermore, the Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence that:

- a. The conditional use in the proposed location will be harmonious and in accordance with the purpose, intent and basic planning objectives of this Resolution and with the objectives for the district in which located and with the Comprehensive Plan;
- b. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety or general welfare;
- c. The conditional use will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not essentially change the character of the same area;
- d. The hours of operation of the proposed use are similar to a use permitted in the district;
- e. The conditional use will not be hazardous or disturbing to the existing and future use and enjoyment of property in the immediate vicinity for the uses permitted, nor substantially diminish or impair property values within the neighborhood;
- f. The establishment of the conditional use in the proposed location will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
- g. Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;
- h. Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion on the surrounding public streets;
- i. The establishment of the conditional use should not be detrimental to the economic welfare of the community by creating excessive additional requirements at public cost for public facilities such as police, fire and schools;

- j. There is minimal potential for future hardship on the conditional use that could result from the proposed use being surrounded by uses permitted by right that may be incompatible;
- k. The design and arrangement of circulation aisles, parking areas, and access drives shall be in compliance with the regulations set forth in Article 1700 and shall provide for interconnecting circulation among adjacent parcels;
- l. If the conditional use is proposed in a residential district, the proposed use would generate only a minimum of traffic through a residential neighborhood if located on a local street.

1503 SPECIFIC STANDARDS FOR CONDITIONAL USES IN RESIDENTIAL DISTRICTS.

In addition to the general criteria established in Sections 1501 and 1502, the following specific conditions pertaining to each use or group of uses shall apply when such uses are located in Residential Districts.

- a. Supplementary Conditions and Safeguards. Nothing in these regulations shall prohibit the Board of Zoning Appeals from prescribing supplementary conditions and safeguards in addition to these requirements in order to ensure compliance with the criteria set forth in Section 1502.
- b. Conformance with District Regulations. A conditional use located in a Residential District shall conform to regulations of the district in which it is located, and to other substantive requirements of this Zoning Resolution, as well as satisfy the conditions, standards and requirements of this Article. Whenever there is a difference between the provisions of the conditional use regulations and the district regulations, the provisions of this Article shall prevail, unless clearly indicated differently in the regulations.
- c. Exception to Height Regulations. Institutional buildings in a residential district may be erected to a height not exceeding 40 feet, provided the front, side and rear yards shall have a depth equal to not less than one and one-half the height of the building wall abutting on such yard, except that church spires, cupolas, domes, towers, and flag poles, located upon or constituted as an integral part of an institutional building may exceed the above height limitation as permitted by the Board of Zoning Appeals.

- d. Specific Development Standards.
 - 1. The Board of Zoning Appeals may limit the hours of operation to ensure that the conditional use is compatible with the surrounding uses.
 - 2. No lighting shall constitute a nuisance and in no way shall impair safe movement of traffic on any street or highway. All outside lighting shall be shielded from adjacent properties.
 - 3. On non-single-family lots larger than one acre, all points of entrance or exits shall be located no closer than 200 feet from the intersection of 2 arterial streets, or no closer than 100 feet from the intersection of an arterial street and a local or collector street.
- e. Regulations for Accessory Structures.
 - 1. Floodlights, searchlights, loudspeakers or similar structures shall not be erected or used in residential districts in any manner that will cause hazards or annoyance to the public generally or to the occupants of adjacent residential property.
 - 2. All trash receptacles shall be screened according to Article 1800.
- f. Specific Area, Width and Yard Regulations. Schedule 1504 sets forth regulations governing minimum lot area, minimum lot width, and minimum yard dimensions for principal and accessory buildings and parking areas for conditional uses in residential districts that require lot area, width and yard regulations different from the residential district regulations. Supplemental requirements pertaining to such uses are set forth in Section 1507 and are referenced in Schedule 1504.

1504 SCHEDULE OF REGULATIONS FOR CONDITIONAL USES IN RESIDENTIAL DISTRICTS.

CONDITIONAL USE	Minimum Lot Requirements		Building Setback (ft)		Parking Setback (ft)		See also Section
	Area	Width (feet)	Front	Side/Rear	Front	Side/Rear	
1. Campground	10 acres	300	300	200	NP	20	1507a.1
2. Cemeteries	5 acres	300	75	50	NP	20	1507a.2
3. Public Mini-Storage Facilities	4 acres	(c)	(c)	(c)	(c)	(c)	1507a.3
4. Child day care center, nursery school, adult day care center	1 acre	150	60	50	NP	20	1507a.4
5. Gas Wells							1507a.5
6. Golf courses, public or private							
• par 3 - 9 hole course	35 acres	300	100	200	NP	20	1507a.6
• 9 hole course	60 acres	300	100	200	NP	20	1507a.6
• 18 hole course	120 acres	300	100	200	NP	20	1507a.6
7. Home for disabled persons, Family	(a)	(a)	(a)	(a)	(a)	(a)	1507a.7
8. Home for disabled persons, Group	30,000 sq ft	100	(a)	(a)	(a)	(a)	1507a.8
9. Library	1 acre	150	60	50	NP	20	--
10. Nursing home, intermediate and long-term care facility	1 acre	150	60	50	NP	20	1507a.9
11. Parks and playgrounds	5 acres	300	100	75	NP	20	1507a.10
12. Plant nursery	5 acres	300	100	75	NP	20	1507a.11
13. Public safety facilities	2 acres	200	75	75	NP	20	--
14. Schools for academic instruction, (private or parochial) and associated facilities and uses	2 acres	200	75	75	NP	20	1507a.12
15. Apartments	(a)	(a)	(a)	(a)	(a)	(a)	--
16. Senior Citizen Developments							1507a.13
17. Sportsman club	10 acres	300	100	100	100	20	1507a.14
18. Stables, riding, boarding, and show	5 acres	300	200	150	NP	20	--
19. Swimming pools, public or semipublic	5 acres	300	100	75	NP	20	1507a.15
20. Two-family dwellings	30,000 sq ft	125	50	(a)	(a)	(a)	1507a.16
21. Wireless telecommunication tower	(b)	(b)	(b)	(b)	(b)	(b)	Article 1900
22. Small Wind Energy Conversion Systems	(a)	(a)	(a)	(a)	(a)	(a)	1508
NOTES FOR SCHEDULE 1504 (a) Shall comply with the district regulations for principal buildings. (b) See Article 1900. (c) See Section 1507a.3. NA = Not Applicable NP = Not Permitted							

1505 SPECIFIC STANDARDS FOR CONDITIONAL USES IN BUSINESS, MIXED USE, AND INDUSTRIAL DISTRICTS.

In addition to the general criteria established in Sections 1501 and 1502, the following specific conditions pertaining to each use or group of uses shall apply.

- a. Supplementary Conditions and Safeguards. Nothing in these regulations shall prohibit the Board of Zoning Appeals from prescribing supplementary conditions and safeguards in addition to these requirements in order to ensure compliance with the criteria set forth in Section 1502.
- b. Compliance with District Regulations. A conditional use located in a Business, Mixed Use or Industrial District shall conform to the regulations of the district in which it is located except as otherwise specifically provided in Schedule 1506. Additional requirements pertaining to specific uses are set forth in Section 1507 and are referenced in Schedule 1506.
- c. Specific Development Conditions.
 1. All outside lighting shall be shielded from adjacent properties.
 2. The Board of Zoning Appeals may limit the hours of operation to ensure that the conditional use is compatible with the surrounding uses.

1506 SCHEDULE OF REGULATIONS FOR CONDITIONAL USES IN BUSINESS, MIXED USE, AND INDUSTRIAL DISTRICTS.

CONDITIONAL USE	Minimum Lot Requirements		See also Section
	Area	Width	
1. This row intentionally left blank			
2. Animal hospital	(a)	(a)	1507b.2
3. Automobile and other vehicle sales	2 acres	200 feet	1507b.3
4. Automobile repair garage	(a)	(a)	1507b.4
5. Car wash	(a)	(a)	1507b.5
6. Churches and other places of worship	(a)	(a)	--
7. Commercial Recreation, outdoor	5 acres	200 feet	1507b.6
8. Contractors shop	(a)	(a)	--
9. Distributing facilities	(a)	(a)	--
10. Drive-through/in facilities	(a)	(a)	1507b.7
11. Funeral home	(a)	(a)	1507b.8
12. Hospital	5 acres	200 feet	1507b.9

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CONDITIONAL USE	Minimum Lot Requirements		See also Section
	Area	Width	
13. Kennel	(a)	(a)	1507b.10
14. Mobile home and recreational vehicle sales/ service	5 acres	200 feet	1507b.3
15. Outdoor display of goods for sale	(a)	(a)	1507b.11
16. Outdoor storage of materials in association with a principal use	(a)	(a)	1507b.12
17. Overnight storage of vehicles, trucks, and equipment for rental/leasing	(a)	(a)	--
18. Public utility transmission substation	(a)	(a)	--
19. Quarry operations, extraction of stone, minerals, top soil	100	500 feet	1507b.13
20. Sales, service and repair of agricultural implements	5 acres	200 feet	1507b.3
21. Service station	(a)	(a)	1507b.14
22. Theater, assembly hall, meeting place	(a)	(a)	--
23. Vehicle and equipment service, repair and rental	(a)	(a)	1507b.3
24. New Asphalt Shingle Grinding	50 acres	(a)	1507b.15
25. Bar, Tavern, Nightclub	(a)	(a)	1507.b.16
26. Small Wind energy Conversion Systems	(a)	(a)	1508
NOTES FOR SCHEDULE 1506: ^(a) Shall comply with the district regulations. NA = Not applicable.			

1507 SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES.

The following are specific criteria and requirements for certain conditional uses and are in addition to the general criteria set forth in Section 1502 and the specific standards set forth in Sections 1503 and 1505.

- a. Conditional Uses In Residential Districts:** The symbol(s) in () indicates the district in which the use is listed as a conditional use.

1. Campgrounds. (R-AG)

- A. All water and sewer facilities shall be approved by the County Health Department.
- B. The campground and all facilities shall be maintained in a clean, orderly and sanitary condition.

- C. Retail goods may be sold on the premises only when and in locations specifically approved by the Board of Zoning Appeals, except that the sale of alcoholic beverages and games of chance shall not be permitted.
 - D. All access roads shall be maintained in an all-weather, dust-free condition.
 - E. All campers' vehicles shall display current year's license plates. No campgrounds shall be used for permanent occupancy or as a mobile home park. Travel or camping trailers and other types of recreational vehicles shall not remain on the premises for more than seven months during the calendar year.
2. Cemeteries. (R-AG)
- A. Access: The site shall not interfere with the development of a locally adopted street system and shall maintain direct access onto a public thoroughfare with a minimum of 2 entryways separated by at least 200 feet between centerlines.
 - B. Burial lot setback: All graves or burial lots shall be set back at least 40 feet from any lot line including a street right-of-way.
 - C. Existing cemeteries may continue to operate. Any future expansion of an existing cemetery shall comply with the requirements of this Chapter.
3. Public Mini-Storage Facilities. (R-AG)
- A. Minimum lot size is 4 acres.
 - B. Maximum lot size is 10 acres.
 - C. Minimum setbacks:
 - (1) Front, side, and rear yards abutting residential zones to be 100 feet.
 - (2) Side and rear yards abutting an active railroad or LI District to be 20 feet.
 - (3) Front yard abutting LI District to be 50 feet.
 - D. One side of the property must abut an active railroad. At least ten percent (10%) of the perimeter of the property shall abut the active railroad. Active means a one-year average of at least one train per day.

- E. No part of the project, which includes any facilities or buffers, shall extend more than 600 feet from the active railroad.
 - F. Hours of operation shall be from 7 a.m. to 9 p.m.
 - G. An earthen mound of not less than three (3) feet high shall be constructed along the frontage and on any side abutting a residential district, except the side abutting an active railroad. This mound should be landscaped with evergreens of at least three (3) feet high to provide an effective buffer.
 - H. A Site Plan must be submitted addressing all requirements of the Township Application to this construction.
 - I. All outside lighting shall be shielded from adjacent properties.
4. Child Day Care Center, Nursery School, Adult Day Care Center: (R-AG, RMF-1, R-1, R-2)
- A. In a R Single-Family District, such use shall comply with the following when located in a place of worship or school facility:
 - (1) Outside areas for activities shall be located in the side or rear yard, fenced for the protection of the children and screened from any abutting residential lot.
 - (2) Parking spaces required for the day care facility shall be on the same lot as the principal use.
 - (3) A drop-off/pick-up location that will not impede traffic on or off the site shall be provided to ensure the safety of the children.
 - B. In a Multi-Family or Manufactured Home Park District such use shall comply with the requirements of subsection (1) above and with the following:
 - (1) Access drives shall be located no less than 100 feet from an intersection.
 - (2) The location and design of the facility shall provide for the protection of the patrons from the traffic, noise, and other hazards of the area and/or the arterial street location.
 - C. Such use, as a freestanding facility on its own lot, may be considered in a single-family zoning district when:

- (1) It is located along a major street;
 - (2) It is not situated in the midst of an otherwise single-family residential neighborhood; and
 - (3) It is adjacent to or in proximity to higher density residential or non-residential zoning and/or development.
- D. A child day-care home, as defined in the Zoning Resolution, is considered a residential use of property for zoning purposes and shall be permitted by right in all residential zoning districts.
- 5. Gas Wells: (R-AG) (LI) See ORC 1509.
- 6. Golf Courses: (R-AG, RMF-1)
 - A. Course layout shall be directed away from all surrounding residential areas and roads. Plans shall include the layout of the golf course.
 - B. Pro shops and sale of goods incidental to the principal use shall be permitted if contained within the principal building or structure.
 - C. Swimming pools shall comply with the requirements of subsection of this section.
 - D. A minimum 6 ft. high fence shall be provided around all recreation areas (tennis courts, swimming pools and shuffle boards) in order to permit access only to members.
- 7. Home for Disabled Persons, Family. (R-AG, R-1, R-2, RMF-1):
 - A. The persons residing in such residential home shall live as a single housekeeping unit in a single dwelling unit and maintain said home as their sole, bona fide, permanent residence. The term "permanent residence" means:
 - (1) The resident intends to live at the dwelling on a continuing basis; and,
 - (2) The resident does not live at the dwelling in order to receive counseling, treatment, therapy or medical care.

- B. Prior to a disabled person commencing residence in the home, either the applicant or the placement agency shall certify that it has determined that the resident is disabled as defined in 42 U.S.C. §3602(h) and that the resident can function adequately in a community residential setting. The applicant or the placement agency shall have a continuing duty to provide such certification to the Board of Zoning Appeals for each disabled person who resides in the home after a conditional use permit is granted;
- C. The applicant shall demonstrate that adequate qualified supervision will exist in the home on a 24 hour per day basis;
- D. In order to maintain the single-family residential character of the area in which the family home is located, the applicant is required and shall agree that upon termination of this conditional use for any reason the applicant shall restore the premises to a condition in which it is marketable as a single-family dwelling, unless ownership and/or possession of the premises is transferred to a person(s) who has obtained a similar conditional use certificate for the premises;
- E. Signs or other means of identification as a family home for disabled persons shall not be permitted;
- F. The applicant shall comply with the applicable parking regulations of the Zoning Resolution for the type of residential structure used by the residential home and shall make adequate provision for on-site parking of vehicles used by visitors and the home supervisors;
- G. In considering whether to grant the conditional use permit, the Board of Zoning Appeals shall take into consideration the proximity and location of other such homes for disabled persons within the neighborhood so as not to change the character of the area, create undue congestion in the public ways, or otherwise adversely impact upon a given area with such use, but in no event shall a family home be closer than 600 feet from where another family home or group home for disabled persons is located;
- H. Evidence shall be presented that the proposed facility meets the certification, licensing, or approval requirements of the appropriate state agency. Failure to maintain such license, certification or other approval requirements shall result in immediate revocation of the home's conditional use certificate;
- I. The residential home shall meet local fire safety requirements for the proposed use and level of occupancy;

- J. Conversion of an existing dwelling to a family home shall require that the dwelling be brought into conformity with existing Township regulations.
- 8. Home for Disabled Persons, Group. (R-2, RMF-1)
 - A. Each facility shall comply with the 30,000 sq. ft. minimum lot area required in Schedule 1504, and shall accommodate no more beds than one bed for every 3,000 square feet of lot area in a R-2 district and one bed for every 1,800 square feet of lot area in a RMF-1 district.
 - B. All applicable provisions of the fire code shall be met and certification of such compliance by the appropriate official shall accompany the application.
 - C. Evidence shall be presented that the proposed facility meets the certification, licensing, or approval requirements of the appropriate state agency. Failure to maintain such license, certification or other approval requirements shall result in immediate revocation of the home's conditional use certificate;
 - D. The applicant shall comply with the applicable parking regulations of the Zoning Resolution for the type of residential structure used by the residential home and shall make adequate provision for on-site parking of vehicles used by visitors and the home supervisors;
 - E. In considering whether to grant the conditional use permit, the Board of Zoning Appeals shall take into consideration the proximity and location of other such homes for disabled persons within the neighborhood so as not to change the character of the area, create undue congestion in the public ways, or otherwise adversely impact upon a given area with such use, but in no event shall a group home be closer than 600 feet from where a family home or group home for disabled persons is located;
 - F. Residents shall either be disabled as defined by the Zoning Resolution or be 62 years of age or older.
- 9. Nursing Homes, Intermediate and Long-term Care Facilities: (RMF-1)
 - A. Such uses shall be located adjacent to a major street or at an intersection with a major street, or, when in a multi-family district, it shall abut a commercial district.
 - B. Access drives shall be located no less than 100 feet from an intersection.

- C. Outdoor storage of ambulances and other vehicles used in the operation of the principal use may be permitted provided such storage areas shall be located in the side or rear yard in off-street parking areas.
10. Parks and Playgrounds: (R-AG, R-1, R-2, RMF-1, R-MHP)
- A. Uses which may be approved as part of a park or playground include softball/baseball fields, multi-use paved areas, landscaped areas, picnic areas, playground apparatus areas, field house, and other similar public recreation uses as approved by the Board of Zoning Appeals.
 - B. No amplification equipment shall be permitted.
11. Plant Nursery: (R-AG) (Less than 5 acres)
Operations at plant nurseries shall comply with the following restrictions:
- A. No burning or storage of dead plant material.
 - B. When used, only chemicals that are accepted by the Department of Agriculture shall be used. All chemical spraying shall be directed so as to not affect adjacent properties.
 - C. When irrigation is utilized, adequate drainage shall be provided to direct surface water away from adjacent properties.
12. Schools For Academic Instruction (Private or Parochial), and associated facilities and uses: (R-AG, R-1, R-2, RMF-1)
- A. Such uses should be located on a major street or have direct access to a major street without going through a residential neighborhood to lessen the impact on the residential area.
 - B. In any district, the Board of Zoning Appeals may require (when appropriate) all outdoor children's activity areas to be completely fenced to minimize traffic hazards.
 - C. Associated uses such as a convent, cafeteria, field house and infirmary shall be located on the same lot as a place of worship or public, private or parochial school and shall comply with the building setback requirements set forth in 1504.

13. Senior Citizen Developments. (RMF-1)

In any RMF Multi-Family District, a multi-family development that is to be exclusively devoted to Senior Citizen Apartments, shall comply with the minimum dwelling unit floor area specified below:

- A. For an efficiency suite: 400 square feet.
- B. For a one-bedroom unit: 500 square feet.
- C. For a two-bedroom unit: 600 square feet.

To qualify as a senior citizen apartment development the applicant shall present documentation to the satisfaction of the township's legal advisor that ensures that the multi-family dwelling units are constructed for and perpetually reserved for senior citizen apartments.

14. Sportsman Club. (R-AG)

- A. The location and layout of all firing ranges shall be clearly indicated on the development plan and approved by the Zoning Commission.
- B. The entire firing range shall be enclosed with a fence having a minimum height of 4 feet and shall be properly posted. Other protective devices may be required by the Zoning Commission.
- C. Retail sales of associated items clearly incidental to the intended use may be permitted except that the sale of alcoholic beverages shall be prohibited. Such sales shall be conducted wholly within an enclosed building and no sign indicating such activities shall be permitted.

15. Swimming Pools, Public or Semi-Public: (R-AG, RMF-1)

- A. All pools shall be located within an enclosed structure or completely surrounded by a fence or wall having a height not less than four feet six inches, and shall be kept locked at all times the pool is not in use.
- B. All fences and other pool enclosures shall be constructed so as to have no openings, holes, or gaps larger than three inches in width, except for doors, gates and windows which shall be equipped with suitable locking devices to prevent unauthorized access. Access secured accessory buildings and walls of principal buildings may be used in place of, or as part of, the enclosure.
- C. The Board of Zoning Appeals may limit the maximum lot coverage of related buildings and lounging/deck areas.

16. Two-family Dwellings. (R-2)

A. Two-family units may be considered in locations where the proposed site:

- (1) Is along a major street;
- (2) Is not situated in the midst of an otherwise single-family residential neighborhood;
- (3) Is adjacent to or in proximity to higher density residential or non-residential zoning and/or development; and
- (4) Is in a location where single-family development is not practical or desirable and the Township does not support any higher density or non-residential development on the site or in the vicinity.

B. Each unit of a two-family dwelling shall comply with the minimum living area requirement for single-family units in the R-2 district as set forth in Section 606.

b. **Conditional Uses In Non-Residential Districts:** The symbol(s) in () indicates the district in which the use is listed as a conditional use.

1. Section 1507.b.1 intentionally left blank.

2. Animal Hospital. (GB-1, MU-2)

A. There shall be no kennels or facilities for the boarding of animals except to allow indoor overnight lodging only as necessary for animals receiving medical attention.

B. Adequate sound proofing shall be provided for all buildings to minimize noise levels.

3. Automobile and Other Vehicle Sales (GB-1, MU-1); Mobile Home and Recreational Vehicle Sales/Service (LI)

A. All operations other than vehicle, equipment or mobile home display and sales shall be conducted in a totally enclosed building.

B. Outdoor display of vehicles equipment or mobile homes for sale shall be located within an approved parking lot or paved surface.

- C. Servicing of vehicles or equipment, of the type sold at the facility, shall be permitted as an accessory use.
 - D. Lighting for all areas used for display of vehicles, equipment or mobile homes shall be directed away from adjoining property and public streets, and in accordance with a plan approved by the Board of Zoning Appeals.
 - E. Outdoor storage of licensed vehicles to be repaired shall be permitted according to the regulations in Section 1507.b.14.
 - F. Outdoor storage of unlicensed and inoperable junked vehicles is permitted for not more than 48 hours and shall be stored in compliance with the regulations in Section 1507.b.14.
4. Automobile Repair Garage: (GB-1, MU-1)
- A. Buildings used for such purposes shall be located a minimum of 75 feet from any residential district.
 - B. Automobile, truck and trailer repairs shall be conducted completely within an enclosed building.
 - C. No overnight or weekend outside storage of trucks or trailers shall be permitted on the premises and no partially dismantled or junked vehicles shall be stored outside the building on the premises, unless the Board of Zoning Appeals specifically approves the location and screening.
5. Car Wash Facility: (GB-1, MU-1)
- A. Sand/Grease Trap - A sand/grease trap for waste water with a minimum capacity of 120 cubic feet shall be provided within the building for protection against ground water pollution. Said waste water shall be handled according to accepted County Health Board practices.
 - B. Services - All washing and related services, whether automated or self-serve, shall be performed in an area covered by a permanent structure, with the exception that drying of vehicles may be conducted in the open.
 - C. Facilities utilizing an automated conveyance wash system, the building shall be located a minimum of 40 feet from a residential district.
 - D. The area for the facility shall be located in the lot so as to utilize the maximum amount of area to accommodate vehicles which are stacking, or waiting, to be served.

- E. All car washes shall recycle their waste water as a step to meeting the township's NPDES (National Pollution Discharge Elimination System) Phase II Requirements.
- 6. Commercial Recreation, Outdoor (GB-1, LI)
 - A. Minimum setback from any street right-of-way or Residential District:
 - (1) 300 feet for any use which includes motorized vehicles including but not limited to, miniature race cars, boats etc. Distance may be reduced to not less than 100 feet if it can be demonstrated that, because of topography and/or additional noise reduction measures, the adverse impacts on adjacent residential districts can be mitigated.
 - (2) 100 feet for all other commercial recreation uses.
 - B. All active recreation areas shall be enclosed by a fence having a minimum height of five feet, unless a different enclosure is approved by the Board of Zoning Appeals.
 - C. Access drives shall be no closer than 200 feet from an intersection of two arterial streets or within 100 feet from an intersection of an arterial and a local street.
 - D. The proposed use shall not generate excessive noise, odor, dust or smoke beyond the premises. In order to minimize any effects of the above, the Board of Zoning Appeals may require all applicable surface areas to be paved, and impose additional noise reduction measures, including mounding, landscaping and sound barriers, to assure that the level of noise is less than or the same as the prevailing noise levels of permitted uses in the District.
 - E. All structures including lighting fixtures shall have a maximum height of 35 feet.
 - F. Rifle ranges, skeet shooting ranges, pistol ranges and other uses involving the use of fire arms shall not be permitted.
 - G. Public restrooms shall be provided and maintained.
- 7. Drive-through/in Facilities (NB-1, GB-1, MU-1)

- A. Access drives shall be no closer than 100 feet from an intersection; and two access drives shall not be located within 35 feet.
 - B. Drive-through/in facilities shall be separated from customer parking areas and located to minimize any adverse impacts on pedestrians when entering the building.
 - C. The hours of operation may be restricted by the Board of Zoning Appeals.
 - D. A loud speaker system shall be approved as part of the site plan and shall not create a nuisance.
 - E. Should be located as far from adjacent residential districts as is practicable.
8. Funeral Home: (GB-1)
Adequate off-street assembly area for vehicles used in funeral processions shall be provided in addition to any required off-street parking area.
9. Hospital. (GB-1, MU-1, MU-2)
A hospital shall be located on a major street or at an intersection with a major street.
10. Kennels. (GB-1)
- A. Adequate sound proofing shall be provided for all buildings to minimize noise levels and animals shall be properly managed to control noise in outdoor activity areas.
 - B. All outdoor activity areas shall be enclosed by a fence having a minimum height of 6 feet. Such fenced areas shall be located a minimum of 100 feet from any property line.
 - C. Manure piles shall be disposed of daily in a sanitary, nonodorous condition. Open manure piles shall not be permitted.
11. Outdoor Display of Goods for Sale (GB-1)
- A. Shall comply with the minimum yard requirements in Section 1004 except vehicles for sale are permitted pursuant to the regulations in Section 1507.b.3.
 - B. Shall not be located in areas intended for traffic circulation.

12. Outdoor Storage of Materials in association with a Principal Use (GB-1, LI)
- A. Outdoor storage areas shall comply with the principal building setbacks for the district.
 - B. Storage of materials should be screened in accordance with the applicable subsections of Article 1800, and materials shall not be piled, stacked or otherwise stored higher than the top of the screen.
 - C. No portion of a site shall be used as a dump.
 - D. Locations should offer natural or manmade barriers to mitigate impacts on Residential Districts.
13. Quarry Operations, Extraction of Stone Minerals, Top Soil: (LI)
- Any owner, lessee or other person having an interest in mineral lands may file with the Board of Zoning Appeals an application for authorization to mine minerals therefrom, provided, however, that the applicant shall comply with all requirements of the District in which said property is located, and with the following additional requirements.
- A. No quarrying operation shall be carried on or any stock pile place closer than 50 feet to any property line, unless a greater distance is specified by the Board of Zoning Appeals where such is deemed necessary for the protection of adjacent property, provided that this distance requirement may be reduced to 25 feet by written consent of the owner or owners of abutting property.
 - B. No part of such operation shall take place closer than 25 feet to a public right-of-way.
 - C. A minimum of 6' fencing shall be erected and maintained around the entire site or portions thereof where in the opinion of the Board of Zoning Appeals such fencing is necessary for the protection of the public safety. The fence shall be of a type specified by the Board of Zoning Appeals.
 - D. All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise and vibration. Access roads shall be maintained in dust-free condition by surfacing or other treatment as may be specified by the County Engineer.
 - E. Crushing, washing and refining or other similar processing may be authorized by the Board of Zoning Appeals as an accessory use, provided,

however that such accessory processing shall not be in conflict with the use regulations of the District in which the operation is located.

- F. A performance bond shall be required, the sum of which shall be determined by the Township Trustees, which shall be held during the operation of the extraction process and for a period not to exceed 365 days after removal of equipment from the site.
- G. In addition to the submission requirements for a conditional use, an application for quarrying or extraction operations shall include the following:
 - (1) Name of owner(s) of land from which removal is to be made.
 - (2) Name of entity conducting the actual removal operations.
 - (3) Location of processing plant to be used.
 - (4) Type of resources or materials to be removed.
 - (5) Proposed method of removal and whether or not blasting or other use of explosives will be required.
 - (6) Description of equipment to be used.
 - (7) Method or rehabilitation and reclamation of the mined area.

14. Service Station. (NB-1, MU-1)

- A. All work shall be performed entirely within an enclosed building; and all storage of supplies, parts and merchandise shall be within an enclosed building except as provided elsewhere herein.
- B. The parking of employee vehicles and vehicles waiting to be serviced or returned to customers following service shall be parked in areas indicated for such parking on the approved site plan. Inoperable or junk vehicles shall not remain on the premises for periods exceeding 30 days.
- C. The facility shall also comply with the standards set forth in Section 1010 for service stations.

15. New Asphalt Shingle Grinding. (LI)

- A. The grinding of new asphalt shingles shall be conditionally permitted in the Light Industrial Zoning District. The following conditions shall be met:

- (1) No part of the operation (stockpiles or crusher) shall be closer than 500 feet from the nearest public right of way.
 - (2) No part of the operation (stockpiles or crusher) shall be closer than 800 feet from the nearest residence.
 - (3) The operation shall not be visible from the nearest public highway or any adjoining property.
 - (4) The minimum total acreage shall be 50 acres.
 - (5) Both processing and raw material storage shall not occupy an area larger than 20 acres. Maximum of 10 acres for raw material and 10 acres for processed material.
 - (6) Raw or processed piles of shingles shall not exceed 35 feet.
 - (7) The operation shall be limited to one grinder.
 - (8) The maximum amount of material to be ground is 104,000 tons annually.
 - (9) The hours of operation shall be eight hours per day, five days a week. Grinding shall not occur earlier than 7 a.m. or later than 5 p.m.
 - (10) All trucks will use main routes, avoiding residential streets.
 - (11) All trucks will be weighed, using a certified scale, on both the incoming and outgoing trip. Records shall be available for review by request.
 - (12) The operation will be in compliance with all applicable local, state, and federal regulations.
 - (13) No used, construction, or demolition debris shall be stockpiled or ground.
 - (14) A performance bond shall be required, the sum of which shall be determined by the Board of Zoning Appeals, which shall be held during the operation of the shingle grinding process and for a period not to exceed 365 days after cessation of the grinding operation.
16. Bar, Tavern, Nightclub. (GB-1)
- A. 500 feet setback from Residential District.
 - B. 500 feet setback from Child/Adult Day Care Center.

- C. 500 feet setback from schools, playgrounds, churches, Township parks, cemeteries and other public institutions.
- D. A minimum 6 ft. high privacy fence shall be provided around any outdoor extension of business where alcohol consumption is permitted. No bands, karaoke, or other entertainment shall be conducted outdoors.

1508 SMALL WIND ENERGY CONVERSION SYSTEMS.

This resolution establishes minimum requirements for Small Wind energy Conversion Systems and regulates the placement of such systems within Amherst Township.

Wind energy is a recognized, renewable and nonpolluting energy resource, and its conversion to electricity may reduce dependence on nonrenewable energy sources.

a. Zoning Districts:

Small Wind Energy Conversion Systems shall be Conditional Use in the following Districts: (R-AG), (GB-1), (LI).

b. Definitions:

1. Small Wind Energy System: A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, with an aggregate generation capacity of less than five (5) megawatts and which is intended primarily to reduce on-site consumption of utility power.
2. Clear Fall Zone: An area surrounding the wind turbine unit into which the turbine, tower and/or turbine components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition causing turbine failure. The area shall remain unobstructed and confined within the property lines of the primary parcel where the turbine is located. The purpose of the zone being that if the turbine should fall or otherwise become damaged, the falling structure will be confined to the primary parcel, will not fall onto dwellings or accessory buildings, and will not intrude onto a neighboring property.
3. Tower: Either the freestanding, guyed, or monopole structure that supports a wind generator.
4. Total Height: The vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.

c. **Standards:**

1. **Set Backs:** A wind tower for a small wind energy conversion system must be set back:
 - A. A distance equal to 1.1 times its total height from any public road right of way.
 - B. A distance equal to 1.1 times its total height from any overhead utility lines.
 - C. A distance equal to 1.1 times its total height from all property lines.
 - D. To provide for a “clear fall zone” that shall be maintained at all times the turbine or tower is standing.
2. **Total Height:** The overall height of a small wind energy conversion system shall be equal to or less than 140 feet.
3. **Sound:** The wind turbine shall have a manufacturer’s specification not to exceed 60 decibels at a distance of 60 feet.
4. **Blade Clearance:** The vertical distance from ground level to the tip of a wind generator blade when the blade is at its lowest point must be at least 30 feet.
5. **Access:** All ground-mounted electrical and control equipment must be labeled and secured to prevent unauthorized access. A tower may not have step bolts or a ladder within 12 feet of the ground that is readily accessible to the public.
6. **Electrical Wires:** All electrical wires associated with a small wind energy conversion system, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires, must be located underground.
7. **Lighting:** A wind tower and generator may be artificially lighted only if lighting is required by the Federal Aviation Administration.
8. **Appearance, Color, and Finish:** The wind generator and tower shall remain painted or finished the color or finish that was originally applied by the manufacturer.

9. Signs: At least one sign shall be posted at the base of the tower warning of electrical shock or high voltage. No sign, other than a warning sign or installer, owner, or manufacturer identification sign, may be placed on any component of a small wind energy conversion system.
10. Code Compliance: A small wind energy conversion system, including tower, shall comply with all applicable state construction and electrical codes, and the National Electrical Code.
11. Signal Interference: The owner of a small wind energy conversion system must take reasonable steps to prevent and eliminate any interference with the transmission and reception of electromagnetic communications, such as microwave, radio, telephone, or television signals.
12. Utility Interconnection: A small wind energy conversion system that connects to the electric utility must comply with all pertinent provisions of the Ohio Revised Code.

d. Permit Requirements:

1. Building Permits: Applicants for all small wind energy conversion systems and part thereof shall obtain all applicable Building Permits from the State of Ohio, County, and Township Building Regulators, as required.
2. FAA Regulations: The system shall comply with all applicable Federal Aviation Administration requirements, including Part 77 of Title 14 of the Code of Federal Aviation Regulation regarding installations close to airports.

e. Abandonment:

See Article 2308.

REVISION HISTORY

<u>Date</u>	<u>Section #</u>	<u>Description of Change</u>	<u>Req. By</u>
7/10/01	ALL	Original Update	Twp. Trustees
11/12/02	1506 1507	In Section 1506, Corrections to table, added #24 to table. In Section 1507, Added 15 New Asphalt Shingle Grinding to subsection “b”. Ref. Motion 11/03/02. Effective date 12/12/02.	Twp. Trustees
12/25/03	Schedule 1506.1 Section 1507.b.1	In Schedule 1506.1, Removed “Adult Uses”, “(a)”, “(a)”, and “1507.b.1” from table. In Section 1507.b.1, content was moved to newly created Section 316. Reference: Resolution 11/8/03	Twp. Trustees
3/11/04	Schedule 1506	Added 1506.25 Reference: Resolution 2/3/04	Twp. Trustees
3/11/04	1507.b	Added 1507.b.16: Bar, Tavern, Nightclub” Reference: Resolution 2/3/04	Twp. Trustees
3/11/04	1507.b.5	A. Added “/Grease” to Sand trap. B. Corrected typing error. Changed “use” to “permanent structure”. E. Added this section. Reference: Resolution 2/4/04	Twp. Trustees
11/24/05	1504 1507	In Schedule 1504, deleted “4. Gas well”. In Section 1504.a.4, added “RMF-1”. In Section 1507.a.5, deleted “See Subsection 1507.b.9”. In Section 1507.b.3.D, added a coma (,) after vehicles. In Section 1507.b.3.E & F, corrected “1507.b.13” to “1507.b.14”. In Section 1507.b.15.A.(14), changed “Township Trustees” to “Board of Zoning Appeals”. Ref. Motion 10/10/05. Effective date 11/24/05.	Twp. Trustees

Amherst Township Zoning Resolution
Article 1500 – Conditional Use Regulations

11/20/24

<u>Date</u>	<u>Section #</u>	<u>Description of Change</u>	<u>Req. By</u>
6/26/08	1504	Administrative corrections to Schedule 1504 by adding “Public Mini Storage Facilities” and footnote (c), and by updating the section numbers in the “See also” column. Ref. Motion 5/19/08. Effective date 6/26/08.	Twp. Trustees
8/12/10	1504 1506 1508	Updated Schedules 1504 and 1506 to include “Small Wind Energy Conversion Systems”. Added new Section 1508 “Small Wind Energy Conversion Systems”. Ref. Motion 7/7/10. Effective date 8/12/10.	Zoning Commission
8/12/10	1504 1507.a.5	Made clerical corrections to the reference numbers in the “See Also” column. Included reference to “Gas Wells” and “Senior Citizen Developments” in the table. Added “See ORC 1509” to 1507a.5.	Administrative
11/20/24	1503.d.3	Added “Also see Article 2300 – Conditional Use Permits.” at the beginning of the Article. Corrected “exist” to “exits”. Ref. Motion 10/8/24. Effective Date 11/20/24.	Administrative