

VILLAGE OF DENNISON, OHIO

ZONING CODE

ORDINANCE NO. 2052

ADOPTED BY VILLAGE COUNCIL SEPTEMBER 3, 1998

ARTICLE XI

LIGHT MANUFACTURING BUSINESS DISTRICT - M-1

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1100 **M-1 District Objectives**

District regulations are established in this section to carry out the purposes which are stated in the preamble to this Zoning Code especially to achieve the following objective:

1100.1 To provide sufficient land area for the conduct of the type of business for which this district has been established as defined in ARTICLE III.

1101 **Permitted Principal Uses**

To carry out the general purposes of this Zoning Code and specifically the objectives of the M-1 DISTRICT, the following principal uses are permitted in M-1 Districts:

1101.1 Light Manufacturing Facilities

1101.2 Research And Development Activities

1102 **Yard Requirements For Permitted Principal Uses**

In M-1 Districts, the minimum required yards for permitted principal uses shall be as follows:

1102.1 The minimum front yard depth shall be twenty-five (25) feet or equal to the narrowest front yard depth of any building located on a contiguous lot and facing the same street, whichever is less.

1102.2 The minimum front yard depth shall be ten (10) feet or equal to the narrowest front yard depth of any building located on a contiguous lot and facing the same alley, whichever is less.

1102.3 On a corner lot, the front yard requirements as stated in subsection (.1) hereof shall apply to each side of the lot adjacent to a street.

1102.4 On a through lot, the front yard requirements as stated in subsection (.1) hereof shall apply to each side of the lot adjacent to a street.

1102.5 All corner lots shall be subject to a more restrictive setback requirement than provided for by subsections (.1), (.2), (.3) and (.4) hereof, if the Mayor determines that a site

distance problem is present.

1102.6 At the intersection of two (2) streets, nothing exceeding the height of three and one-half (3 1/2) feet above the respective centerline elevations of each street shall be erected, placed, planted, or allowed to grow within the setback area as previously defined. This restriction will apply only for a distance of twenty-five (25) feet from the right-of-way line of each street regardless of the size of the parcel.

1103 Height Regulations For Permitted Principal Uses

1103.1 Buildings located in M-1 Districts shall not exceed a height of one hundred (100) feet. This height regulation does not apply to spires, belfries, cupolas, antennae, ventilators, chimneys or other appurtenances, usually required to be placed above the roof level and not intended for human occupancy.

1104 Off-Street Parking Requirements For Permitted Principal Uses

In M-1 Districts, off-street parking shall be provided for all permitted principal uses as follows:

1104.1 Off-street parking spaces for permitted principal uses shall be provided in quantities not less than as set forth in the following schedule:

| <u>Principal Use</u> | <u>Required Spaces</u> |
|--------------------------|--|
| Manufacturing | One (1) for each 500 SF of gross floor area plus one (1) each 1,000 SF of outdoor storage area |
| Wholesale businesses | One (1) for each 1,000 SF of gross floor area plus one (1) for each 2,000 SF of outdoor storage area |
| Research and Development | One (1) for each 400 SF of gross floor area |

A building occupied by one use shall provide off-street parking spaces as required for that specific use. A building or a group of buildings occupied by two or more uses shall provide spaces for not less than the sum of the spaces required for each use.

1104.2 Each permitted use shall be permitted one (1) two-way access driveway or two (2) one-way access driveways for each seventy-five (75) feet of street and alley frontage of the lot occupied by that use. Such access driveways shall be at least ten (10) feet, but not more than eighteen (18) feet, in width for each direction, and shall not be located less than fifteen (15) feet from the right-of-way line of an alley which intersects the same street or alley as the proposed access driveways, or less than twenty-five (25) feet from the right-of-way line of a street which intersects the same street or alley as the proposed access driveways. No access driveway shall be located less than fifteen (15) feet from any other access driveway which intersects the same street or alley as the proposed access driveway.

1104.3 Off-street parking areas shall be so designed that all required parking spaces are accessible and that no parking or maneuvering incidental to parking shall be on any street, alley or sidewalk.

1104.4 Adequate area shall be provided on each lot for the accumulation of snow which is removed from the off-street parking areas located on that lot.

- 1104.5 If a lot is already built upon, the required off-street parking spaces for any new use built upon the same lot shall be provided only within the area remaining after all applicable yard, lot coverage, lot area and off-street parking requirements have been applied to the existing use and provided that this lot has not been designated for parking provided under subsection (.7) hereof or otherwise restricted.
- 1104.6 The minimum setback for a parking garage or carport which faces a dedicated street, alley, lane or drive shall be twenty (20) feet.
- 1104.7 All required off-street parking spaces shall be provided on the same lot as the use served, or on a contiguous lot under legal control by the same party operating the permitted use.

1105 Screening Requirements For Businesses Located Adjacent To Residential Areas

- 1105.1 Each side of an occupied lot or parcel in a M-1 District which is contiguous to a lot or parcel located in a Residential District shall be provided with effective screening. Such screening shall consist of a dense evergreen hedge or a solid, natural finish wooden fence, and shall not be less than four(4) feet, nor more than six (6) feet in height.

1106 Special Regulations For Adult Entertainment Businesses

Adult businesses, as defined in ARTICLE III, are permitted in a M-1 District as a Conditional Use and are subject to the following conditions:

- 1106.1 No building or premises shall be used, and no building shall be erected or altered, which is arranged, intended or designed to be used for an adult entertainment business if any part of such building or premises is situated on any part of a lot within a one thousand (1,000) foot radius in any direction of any lot used for, or upon which is located any building or area designated for:
- (1) any single-family or multiple-family residential use;
 - (2) any public or private school;
 - (3) any church or other religious facility or institution;
 - (4) any public park;
 - (5) any other adult entertainment business;
 - (6) any pool or billiard hall or video or pinball arcade;
 - (7) any hotel, motel, hostel, bed & breakfast, or boarding house;
 - (8) any bar or tavern serving alcoholic beverages;
 - (9) any special education center; education or training facility for mentally or physically disabled persons; public or non-profit community center in which there are regular programs for minors; public library; public recreation center; playground; hospital; clinic; infirmary; nursing or convalescent homes; homes for the aged; rest home; orphanage or day care center.
- 1106.2 The following definitions shall apply to ADULT ENTERTAINMENT BUSINESSES in the interpretation of this Ordinance:
- (1) Adult Book Store means an establishment which utilizes fifteen (15) percent or more of its retail selling area for the purpose of retail sale or rental, or for the purpose of display by coin or slug-operated, or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices, or both books, magazines, other periodicals, films, tapes and cassettes which are distinguished by their emphasis on adult materials as defined in this section.
 - (2) Adult Motion Picture Theater means an enclosed motion picture theater which is

regularly used or utilizes fifteen (15) percent or more of its total viewing time, for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult material as defined in this section.

(3) Adult Motion Picture Drive-in Theater means an open air drive-in theater which is regularly used or utilizes fifteen (15) percent or more of its total viewing time, for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult material as defined in this section.

(4) Adult Only Entertainment Establishment means an establishment where the patron directly or indirectly is charged a fee where the establishment features entertainment or services which constitute adult material as defined in this section, or which features exhibitions, dance routines, or gyrational choreography of persons totally nude, topless, bottomless, or strippers, male or female impersonators or similar entertainment or services which constitute adult material.

(5) Adult Material means any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, motion picture film, photographic record or tape, other tangible thing, or any service, capable of arousing interest through sight, sound, or touch, and:

(a) which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination; or

(b) which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination.

(6) Bottomless means less than full opaque covering of male or female genitals, pubic area or buttocks.

(7) Nude or Nudity means the showing, representation, or depiction of human male or female genitals, pubic area or buttocks with less than full, opaque covering of any portion thereof, or female breast(s) with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.

(8) Topless means the showing of a female breast with less than a full, opaque covering of any portion thereof below the top of the nipple.

(9) Sexual Activity means sexual conduct or sexual contact or both.

(10) Sexual Contact means any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttocks, pubic region, or, if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.

(11) Sexual Excitement means the condition of the human male or female genitals, when in a state of sexual stimulation or arousal.

1106.3 **Signs and Exterior Display**

(A) No adult entertainment use shall be conducted in any manner that permits the observation of any material depicting, describing, or relating to “specific sexual activities” or “specified anatomical areas” by display, decorations, sign, show window or other opening from any public view.

1106.4 **Hours of Operation for Adult Entertainment Business**

(A) Adult Entertainment Businesses shall be permitted to be open for business from

8:00 a.m. through 12:00a.m. daily. No such business shall be open from 12:00a.m. through 8:00a.m. or any portion thereof.

1106.5 **Permit Required**

(A) No person shall engage in, conduct, or carry on, or permit to be engaged in, conducted or carried on in the Village of Dennison, the operation of an Adult Entertainment Business without first having obtained a permit from the Zoning Administrator or agent of such office.

(B) A separate permit is required for each location at which an Adult Entertainment Business is operated.

(C) An application for an original or renewal permit shall be in writing, addressed to the Zoning Department, Village of Dennison.

(D) An application for renewal shall be filed not later than thirty days prior to expiration of the permit to be renewed.

(E) A non-refundable filing fee shall be paid at the time of filing the applications as follows:

- (1) Two hundred and fifty dollars (\$250.00) for an initial permit to operate an Adult Entertainment Business.
- (2) One hundred dollars (\$100.00) for a renewal permit to operate an Adult Entertainment Business.

(F) An application for an initial permit to operate and Adult Entertainment Business shall contain the following:

- (1) The address where the Adult Entertainment Business is operated, or is to be operated;
- (2) The status of the applicant as an individual, partnership, or limited partnership, domestic or foreign corporation, or other entity;
- (3) The full name, residence address, date of birth, and social security number of the applicant or the person applying on behalf of a partnership, corporation, or other entity;
- (4) If the applicant is a partnership or limited partnership, the name of the partnership; the status of the partnership as a general or limited partnership; the state or other jurisdiction under which it is organized; the address of its principal office in Ohio; its federal identification number; the name and address, date of birth, and social security number of each partner; and the status of each partner as a general or limited partner.
- (5) If the applicant is a corporation, the name of the corporation, the state or other jurisdiction under which it is organized; the address of its principal office, the address of its principal office in Ohio; its federal identification number; the name and address, date of birth, and social security number of each shareholder holding more than two percent of the applicant's stock. If any shareholder is a corporation or a general or limited partnership, the same information shall be included for such shareholder as is required for an application that is a corporation or general or limited partnership.
- (6) Authorization for an investigation into the background, including any criminal record, of the applicant and any person or entity named in the application, including authorization to conduct subsequent investigations to supplement or update the information;
- (7) The applicants agreement to abide by these regulations and the law of

Ohio, and any amendments, additions, or re-enactment thereof.

(G) Applicants for a permit under this section shall have a continuing duty to promptly supplement application information required by this section in the event that said information changes in any way from what is stated on the application. The failure to comply with said continuing duty within thirty (30) days from the date of such change, by supplementing the application on file with the Village shall be grounds for suspension of a permit.

1106.6 Inspection and Investigation upon Applicant

(A) Upon receipt of an application for a permit or renewal permit to operate an Adult Entertainment Business, the Zoning department agents shall notify the state or local authorities to conduct health and safety inspections of the specified premises, and to determine compliance or noncompliance with applicable health and safety codes. Written reports of inspection shall be prepared by the inspectors and filed with the Zoning Office within thirty days after receipt of an application or renewal permit to operate an Adult Entertainment Business, and shall become part of the application for a permit.

(B) Upon receipt of an application for a permit or renewal permit to operate an Adult Entertainment Business the Zoning Office agent shall refer the applicant to the Police Department to be finger printed and to conduct an investigation into the background of the applicant and of other persons or entities named in the application. A written report of the results of the investigation shall be prepared by the investigating officer or agency and filed with the Zoning Office within thirty days after receipt of an application for a permit or renewal permit to operate an Adult Entertainment Business, and shall become part of the application for a permit.

Any and all fees incurred in this process shall be paid by applicant.

1106.7 Action on Application

(A) The Zoning Office Agent shall act on the application within thirty days after the filing of the reports required in Section 1106.5 and 1106.6

(B) The application will be denied if:

- (1) The application is incomplete, contains any false information, or fails to comply with these regulations;
- (2) If the applicant is a limited partnership, corporation or other entity, the applicant is not in good standing in the jurisdiction where organized;
- (3) The operation of an Adult Entertainment Business at the specified premises would violate existing zoning restrictions;
- (4) The report of the health and safety inspections pursuant to Section 1106.6 (a) reveal any unsanitary, unsafe, or hazardous condition on the premises subject to the permit or renewal permit or any violation of applicable health or safety codes;
- (5) The applicant for a permit or renewal permit to operate an Adult Entertainment Business has failed to cooperate with any required health or Safety inspection or background investigation;
- (6) The applicant or any person named in the application for a permit or renewal permit to operate an Adult Entertainment Business is under age eighteen;
- (7) The applicant or any person named in the permit or renewal permit to operate an Adult Entertainment Business within the past five years has been convicted of or pleaded guilty to an offense under Ohio R.C. Chapter 2907 or

substantially equivalent offense under a municipal ordinance in Ohio, or under the laws of another state or territory or of the United States, Or under a municipal ordinance in any such jurisdiction;

(C) If the application is denied, the Zoning Office agent shall promptly notify the applicant in writing of the order denying the application. If approved, the Zoning Office agent shall promptly issue to the applicant a permit.

(D) A permit or renewal permit to operate an Adult Entertainment Business shall contain the address of the permit premises, the name and residence address of the permit holder, and the date of issuance and date of expiration of the permit.

1106.8 Expiration of Permit

(A) A permit to operate an Adult Entertainment Business is valid for one year, and expires on the anniversary of the date of issuance, unless sooner revoked as provided in these regulations.

(B) Application for renewal shall be made at least thirty days before the expiration date, and when made less than thirty days before the expiration date, the expiration of the permit will not be affected.

1106.9 Display of Permit

The permit to operate an Adult Entertainment Business shall be prominently displayed in an area of the establishment open to the public.

1106.10 Revocation of Permit

(A) The Village may at any time revoke a permit issued pursuant to these regulations, on any of the same grounds listed in Section 1106.7 (b) for denial of the permit. The Zoning Office agents shall promptly notify the permittee in writing of the order of revocation.

(B) When a permit is revoked, the revocation shall continue for a period of one year.

1106.11 Inspections and Investigations

(A) The Village may order a health and safety inspection at any time there is reasonable cause to believe that an unsanitary, unsafe, or hazardous condition exists on the premises. The Zoning Office shall notify the appropriate authorities or agencies to make such inspections at the designated times. Written reports of inspections shall be filed with the Zoning Office.

(B) Village personnel or agents may at all reasonable times inspect permit premise to insure continued compliance with the laws of Ohio and these regulations.

1106.12 Requirements for Operation

(A) The establishment shall be closed and shall not operate between the hours of 12:00 a.m. and 8:00 a.m..

(B) All parts of the establishment shall at all times be maintained in a neat, clean, sanitary and safe condition.

(C) The owner, operator, or person in charge of the establishment shall allow state or local authorities, including law enforcement officers, access to any and all parts of the premises, for the purpose of making any health or safety inspection pursuant to these regulations.

(D) No person under the age of eighteen shall be employed by the establishment in any capacity, whether full-time or part-time, or with or without remuneration or

compensation in any form.

(E) The owner, operator, or person in charge of the establishment shall exercise adequate supervision to insure that the employees of the establishment comply at all times with these regulations and the laws of Ohio.

(F) Signs

(1) Exterior Painting—Building and structures shall not be painted or surfaced with garish colors or textures or any design that would simulate a sign or advertising message.

(2) Advertisements, signs, or any other exhibit depicting adult entertainment activities placed within the interior of buildings or premises shall be arranged or screened to prevent public viewing from outside such buildings or premises.

(3) No outdoor loudspeakers or other outdoor sound equipment advertising or directing attention to an adult entertainment use is allowed.

(4) Upon order of the Building Inspector, graffiti appearing on any exterior surface of a building or premises, which graffiti is within public view, shall be removed and that surface shall be restored within seventy-two hours of notification to the owner or person in charge of the premises.

(G) No person shall operate or cause to be operated an Adult Entertainment Business knowingly or with reasonable cause to know, permit, suffer or allow:

(1) Admittance of a person under eighteen years of age to the business premises;

(2) If the interior of the premises is visible from the outside of the premises, so that any matter that is harmful to minors is visible from outside the premises, the owner or manager of the premises shall install opaque covering over all windows through which minors could view any harmful matter and install a privacy curtain at all entrances of the premises through which minors could view any harmful matter.

1106.13 Rules Governing Conduct of Employees

(A) A person under age eighteen shall not accept or continue employment by an Adult Entertainment Business, in any capacity, whether full-time or part-time or with or without remuneration or compensation in any form.

(B) No employee of the establishment, in the performance of his or her duties shall do any of the following:

(1) Place his or her hands upon, touch with any part of his or her body, fondle in any manner, or massage the genitals, pubic area, or buttocks of any other person or the breast of any female, or if the employee is a female, of any other female, for the purpose of sexual stimulation.

(2) Perform, offer, or agree to perform any act that would require the touching of the genitals, pubic area, or buttocks of any other person or the breasts of any female or, if the employee is female, of any other female, for the purpose of sexual stimulation.

(3) Uncover the genitals, pubic area, or buttocks of any other person or the breast of any female or, if the employee is female, of any other female.

1106.14 Measure of Distance

The required minimum distance between any two adult entertainment businesses or to any bar or tavern shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each such business. The distance between any adult entertainment business and any school, public park, church, library, residential use shall be measured in a straight line, without regard

to intervening structures, from the closest exterior structural wall of the adult entertainment business to the closest property line of the school, public park, church, library, residential district, or residential use.

1106.15 Criminal Violation

(A) Whoever engages in, conducts or carries on, or permits to be engaged in, conducted or carried on in the Village of Dennison, the operation of an adult entertainment business without first having obtained a permit from the Zoning Office is guilty of a misdemeanor of the first degree.

(B) Whoever violates any of the following is guilty of a misdemeanor of the third degree.

(1) If the owner or operator of an adult entertainment business located in the village knowingly:

(A) Refuses to allow appropriate state or local authorities, including police officers, access to any and all parts of the adult entertainment business for the purpose of conducting health and safety inspections.

(B) Operates during the hours designated as prohibited hours of operation;

(C) Employ or admit to the business premises any person under the age of eighteen;

(D) Establish or operate an adult entertainment business within 1,000 feet from the boundaries of a parcel of real estate having situated on it a school, church, library, public park, tavern, bar, a "sexually oriented business" or another adult cabaret, or within one thousand feet from the boundaries of any residential district or residential use

(2) If an employee of the establishment, in the performance of his or her duties, does any of the following:

(A) Places his or her hand upon, touches with any part of his or her body, fondles in any manner, or massages the genitals, pubic area, or buttocks of any other person or the breast of any female or, if the employee is female, of any other female, for the purpose of sexual stimulation;

(B) Performs, offers, or agrees to perform that would require the touching of the genitals, pubic area, or buttocks of any other person, or the breasts of any female or, if the employee is female, any other female, for purpose of sexual stimulation;

(C) Uncovers the genitals, pubic area, or buttocks of any other person or breast of any female or, if the employee is female, of any other female.

1106.16 Appeals

Any persons adversely affected by an order of the Zoning Officers denying or revoking a permit to operate an adult entertainment business may appeal from the order of the Zoning Officer to the Zoning Board of Appeals.

1107 Permitted Accessory Uses

In M-1 Districts, accessory uses, buildings or structures may be established provided such uses are customarily accessory and clearly incidental and subordinate to the permitted principal use.

Accessory uses are limited to the following:

1107.1 Garages, or carports, storage sheds or other incidental structures

1107.2 The placement, number and nature of signs shall be governed by the following regulations:

- (1) Maximum sign area in square feet equals $W+40$ where the elements of the formula are: Maximum sign area = the sum of the areas of all on-site signs located on the premises; W = the width of the street frontage of the facade of the building, or unit thereof, occupied by the use. EXAMPLE: If a store thirty (30) feet wide faces one (1) street, the MAXIMUM total area of ALL on-site signs = $30 + 40 = 70$ Square feet.
 - (2) In no case shall the maximum permitted sign area for a use exceed two hundred (200) square feet.
 - (3) No sign, or any part thereof, shall be located on or extend above a public right-of-way.
 - (4) Political signs shall be permitted provided they are not erected more than thirty (30) days prior to the election for which they are intended and are removed within forty-eight (48) hours after such election.
 - (5) A single non-illuminated construction sign shall be permitted on the site of a building under construction, remodeling or renovation provided such sign is used for identification purposes only and does not exceed forty (40) SF in area.
 - (6) Directional signs shall be permitted provided they do not exceed four (4) SF in area.
 - (7) Temporary signs related to a specific holiday, religious event or historical observance, or to an event conducted by a church or by a public or private non-profit school or college, or to a community event, or to a porch, garage or yard sale, shall be permitted. Such signs shall not be erected more than thirty (30) days prior to an event, holiday or observance for which they are intended and shall be removed forty-eight (48) hours after such event, holiday or observance.
 - (8) Temporary signs related to a sale to be held on the premises shall be permitted.
- 1106.3 Fences, walls, and hedges shall be permitted provided they are not electrified and that barbed wire does not constitute any part of such fences, walls and hedges. No fence, wall or hedge shall exceed a height of six (6) feet above finished grade. Any and all gates in such fence, wall or hedge shall be no greater in height than the rest of the fence, wall or hedge. Any such gate shall open from the inside.